

**CORRESPONDENCE  
IN LIEU OF  
DIRECTORS' MEETING  
MONDAY, MARCH 28, 2005**

**I. MAYOR**

- \*1. NEWS ADVISORY - RE: Mayor Coleen Seng will have a news conference at 9:30 a.m. Thursday, March 24<sup>th</sup> during the Earth Wellness Festival at Southeast Community College -(See Release)
- \*2. NEWS RELEASE - RE: City To Celebrate 35<sup>th</sup> Anniversary Of Earth Day At Pioneers Park-Celebration includes events for International Migratory Bird Day-(See Release)
- \*3. NEWS RELEASE - RE: Separation Of Grass And Leaves Begins April 1-(See Release)
- \*4. NEWS RELEASE - RE: Sixth Annual "Clean Your Files Week" Set For April 18 Through 22 -(See Release)
- \*5. Washington Report - March 17, 2005.

**II. DIRECTORS**

**FINANCE/BUDGET**

- \*1. Material from Steve Hubka - RE: March Sales Tax -(See Material)

**PARKS & RECREATION**

- \*1. Two Response Letters from Lynn Johnson to Paul Beetz & Colette Beetz - RE: Correspondence Received on March 15, 2005 and Correspondence sent to you on January 26, 2005; - regarding continued employment as a lifeguard-(See Letters)

**PLANNING**

- \*1. Annexation by Ordinance - 75.17 Acres - Ordinance #18503 - Effective: March 1, 2005.

- \*2. Letter from Tom Cajka to Brian D. Carstens, Brian D. Carstens & Associates - RE: Whispering Creek Final Plat #05006-generally located at S. 112<sup>th</sup> St. & Old Cheney Road-(See Letter)
- \*3. Letter from Becky Horner to Paula DiCero, Associated Engineering - RE: Prairie Village 3<sup>rd</sup> Addition Final Plat #05004-generally located at N. 87<sup>th</sup> and Leighton Avenue -(See Letter)
- \*4. Memo from Marvin Krout - RE: Letter from Realty Trust-Change of Zone #05004 -(See Memo)

#### **PLANNING COMMISSION FINAL ACTION ....**

- \*1. Special Permit No. 1006F, Amendment to Forest Lake Estates CUP (6833 Forest Lake Blvd.)- Resolution No. PC-00907.
- \*2. Special Permit No. 05007 (On-sale alcohol at 3700 S. 9<sup>th</sup> Street) Resolution No. PC-00908.
- \*3. Special Permit No. 04069, Whitetail Run Community Unit Plan (NW of the intersection of S.W. 14<sup>th</sup> Street and W. Bennet Road) Resolution No. PC-00909.
- \*4. Preliminary Plat No. 04031-Whitetail Run (NW of the intersection of S.W. 14<sup>th</sup> Street and W. Bennet Road) Resolution No. PC-00910.
- \*5. Special Permit No. 05002, Foreman Ridge Addition Community Unit Plan (East of S.W. 12<sup>th</sup> Street and south of W. Denton Road) Resolution No. PC-00912.
- \*6. Preliminary Plat No. 04011-Waterford Estates (East and west of N. 98<sup>th</sup> Street from Holdrege to “O” Streets) Resolution No. PC-00913.
- \*7. Use Permit No. 05002, Northwoods Office Park (SW corner of N. 84<sup>th</sup> Street and Northwoods Drive) Resolution No. PC-00914.
- \*8. Special Permit No. 05009, Fieldstone Center Community Unit Plan (Southwest of N. 26<sup>th</sup> Street and Old Dairy Road) Resolution No. PC-00911.

## **PUBLIC WORKS & UTILITIES**

- \*1. Public Works & Utilities ADVISORY with attached Map- RE: Pre-Construction Open House-56th Street & Holdrege Street Storm Sewer Project-#701677-Monday, March 28, 2005; 6:00 p.m. to 7:00 p.m. at Trinity Lutheran School, Multi Purpose Room, 1200 North 56<sup>th</sup> Street (Entrance on south side of building)(See ADVISORY)
- \*2. Memo from Dennis Bartels - RE: Appeal of Condition of Approval, Thompson Creek Use Permit -(See Memo)

## **WOMEN'S COMMISSION**

- \*1. NEWS RELEASE - RE: Council of Women Leaders -April Networking Event -(See Release)

## **III. CITY CLERK**

## **IV. COUNCIL**

### **A. COUNCIL REQUESTS/CORRESPONDENCE**

#### **GLENN FRIENDT**

- 1. Request to ~~Marc Wullschleger, Urban Development Director~~ /Lynn Johnson, Parks & Recreation Director - RE: Next steps for the University Place property vacation (RFI#41-02/02/05). — **1.) SEE RESPONSE FROM MARC WULLSCHLEGER, URBAN DEVELOPMENT DIRECTOR RECEIVED ON RFI#41-02/09/05.**

#### **ANNETTE McROY**

- 1. Request to Don Taute, Personnel Director RE: Breakdown for Each Department for specifically requested information on M-Class Employees for Years 1995, 2000 and 2003 (**RFI #164 - 02-18-05** - Joint Request w/P.Newman)

## **PATTE NEWMAN**

1. Request to Don Taute, Personnel Director RE: Breakdown for Each Department for specifically requested information on M-Class Employees for Years 1995, 2000 and 2003 (**RFI#30 - 02-18-05** - Joint Request w/A.McRoy)
2. Request to ~~Marc Wulschleger, Urban Development~~/ Lynn Johnson, Parks & Recreation/Ann Harrell, Public Works - RE: Requesting information about the proposed bike/ped bridge over North 27<sup>th</sup> Street - (RFI#32-3/15/05). — **1.) SEE RESPONSE FROM WYNN HJERMSTAD, URBAN DEVELOPMENT DEPARTMENT RECEIVED ON RFI#32-3/23/05.**
- \*3. E-Mail from Patte Newman to Constituent - RE: Antelope Valley-(See E-Mail)
4. Request to Steve Hubka, Budget/Don Herz, Finance - RE: What outstanding bonds is the City of Lincoln currently paying off? -(RFI#33-3/21/05)

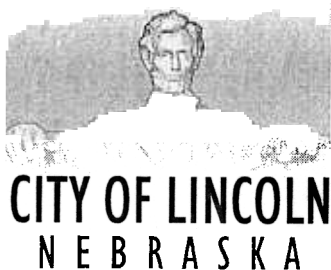
## **V. MISCELLANEOUS**

- \*1. E-Mail from Rose Carter, CEDARS TLC, Family Specialist - RE: Monthly bus passes-(Council received copy of this E-Mail on 3/21/05)(See E-Mail)
- \*2. Letter from Brian Lee Linderholm - RE: The 'Ride For Five' Program-(Council received copy of this letter on 3/21/05)(See Letter)
- \*3. Faxed Letter from Amy Evans, Executive Director, Friendship H/me - RE: Support for the 'Ride For Five' Program-(Council received copy of this Letter on 3/21/05)(See Letter)
- \*4. E-Mail from Pete Beau - RE: Please reconsider the down zoning issue for the Near South Neighborhood, totally opposed and thinks it goes to far -(See E-Mail)
- \*5. E-Mail from Carol B. - RE: Motorsports Complex -(See E-Mail)
- \*6. Letter from Arlan & Sherrill Miller - RE: The proposed Wal-Mart Super Center -(See Letter)

- \*7. Letter from Michael James, President, Woods Park Neighborhood Association - RE: Appreciation to you, for the unanimous decision to preserve the existing green space at Woods Park-(See Letter)
- \*8. E-Mail from Michael Von Busch Sr. - RE: The refunding of the bonds issued in 1996-(See E-Mail)
- \*9. Letter from Karen Licht - RE: The proposed Wal-Mart -(See Letter)
- \*10. Letter from Robert & Marynel Beum - RE: Proposed change of zoning designations zone # 05021-(See Letter)

## **VI. ADJOURNMENT**

**\*HELD OVER UNTIL APRIL 4, 2005.**



# NEWS ADVISORY

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

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## OFFICE OF THE MAYOR

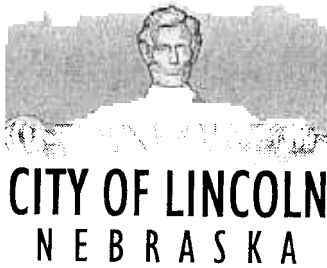
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

**DATE:** March 23, 2005

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng will have a news conference at **9:30 a.m. Thursday, March 24** during the Earth Wellness Festival at **Southeast Community College, 8800 "O" Street**. The news conference will be in Room B-7.

The Mayor will discuss the City's upcoming Earth Day Celebration, the yard waste composting program and activities scheduled for Clean Your Files Week.



# NEWS RELEASE

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

## OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

**FOR IMMEDIATE RELEASE:** March 24, 2005

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831  
Nancy Furman, Pioneers Park Nature Center, 441-8709

## **CITY TO CELEBRATE 35TH ANNIVERSARY OF EARTH DAY AT PIONEERS PARK**

*Celebration includes events for International Migratory Bird Day*

Mayor Coleen J. Seng today invited the public to a celebration of the 35th anniversary of Earth Day from 8 a.m. to 4:30 p.m. Saturday, April 23 at Pioneers Park. The City is partnering with other organizations to sponsor the celebration, which will include events in the morning for International Migratory Bird Day and an evening hot air balloon launch (weather permitting). The theme of the event is "Soaring to New Heights! Celebrating our Achievements!"

"Earth Day is observed just one day a year, but there are many steps each of us can take every day to conserve resources and protect our environment," said Mayor Seng. "Our Earth Day celebration is designed to be fun, but we hope people also learn about the many ways they can take better care of the Earth."

Parking is available at the park, but organizers are encouraging the public to use two "earth-friendly" alternatives to driving:

- Take the Bison Trail to Pioneers Park. The trail begins at 9th and Van Dorn.
- Catch the shuttle from the City-County Parking Garage at 10th and "K" streets or from Roper Elementary School at 2323 South Coddington Avenue..

International Migratory Bird Day events begin at 8 a.m. with a free guided early morning bird hike. From 9 to 11 a.m. is a "Walk and Run for the Birds." From 8:30 to 11:30 a.m., participants can take bus tours of earth-friendly sites in Lincoln, including the Hyde Memorial Observatory Photo Voltaic Installation and "green building" efforts at Prairie Hill Learning Center and the Walt Branch Library.

Earth Day activities begin at noon with an opening ceremony, which will include remarks from Mayor Seng and a raptor release. From 12:30 to 4:30 p.m., the celebration will feature hands-on exhibitor booths, children's activities, recycled art projects, wildlife activities, storytelling and entertainment by Pangia, Pot Scrubbers, Ashanti and Mystic Caravan. The hot air balloon launch is scheduled for 4 to 5 p.m. Food vendors will serve from 11 a.m. to 4 p.m.

- more -

**Earth Day**  
**March 24, 2005**  
**Page Two**

The City Parks and Recreation, Health and Public Works and Utilities departments are helping to organize the event. Other partners include the Arbor Day Foundation, the Folsom Children's Zoo, the Lincoln Children's Museum, the Lower Platte South Natural Resources District, the Nebraska Game and Parks Commission, Open Harvest Natural Foods Grocery and the Wild Bird Habitat Store.

Those wanting more information can call Nancy Furman at the Pioneers Park Nature Center or see the City Web site at [lincoln.ne.gov](http://lincoln.ne.gov).

The *Lincoln Journal Star* on Sunday, April 17 will include a special Earth Day insert. The publication will have a pull-out section for the kids and information on the progress our community has made in the 35 years since Earth Day began. The Nebraska Department of Environmental Quality has provided funding for the insert.





**CITY OF LINCOLN**  
NEBRASKA

# NEWS RELEASE

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

**PUBLIC WORKS AND UTILITIES DEPARTMENT**  
Recycling Office, 2400 Theresa Street, Lincoln, NE 68521, 441-7043

**FOR IMMEDIATE RELEASE:** March 24, 2005

**FOR MORE INFORMATION:** Gene Hanlon, Recycling Coordinator, 441-7043

Steve Hatten, Lincoln Solid Waste Management Assoc. 475-8360

## **SEPARATION OF GRASS AND LEAVES BEGINS APRIL 1**

Beginning Friday, April 1, Lincoln waste haulers will begin collecting grass and leaves separately. State law requires that yard waste be separated from household trash from April 1 through November 30 of each year.

“Grass and leaves must be separated from household trash after the last waste collection in March,” said City Recycling Coordinator Gene Hanlon. “That means those with weekly trash pick-up on Friday will need to begin separating yard waste this weekend.”

For a separate fee, individuals can subscribe to a separate collection of yard waste provided by local waste haulers. Those who don't subscribe to the separate collection have three options: haul the grass and leaves to the 48th Street Transfer Station; hire a lawn service; or mulch and compost their grass clippings and leaves. The University of Nebraska Cooperative Extension Service in Lancaster County will provide backyard composting workshops in April and May.

This is the 11th year of the composting program. Since 1992, Hanlon estimates the City has diverted more than 171,300 tons of grass and leaves and 59,130 tons of storm debris, brush and wood from the landfill. The composting program and annual wood grinding operation has added almost two years to the life of the landfill, and the diversion of storm debris in 1997 added another year. If the City stopped its composting and wood waste diversion program and buried this material in the landfill, it would close in 2023 instead of the current projection of 2026.

Steve Hatten, President of the Lincoln Solid Waste Management Association, said those who subscribe to the special collection of yard waste must use approved containers, which include paper lawn bags available at area retailers, 32-gallon waste containers with tight-fitting lids or 90-gallon containers provided by the waste haulers. Hatten said those who put yard waste in plastic bags may have the material left at the curb because the plastic bags do not decompose and cause litter problems at the City's compost operation. The City inspects loads coming to the Bluff Road Landfill and composting site. If household trash is found mixed with grass and leaves, the City can assess haulers a \$50 cleanup fee, and the cost may be passed on to the property that mixed yard waste with household trash.

For more information on the City's composting program, contact the City Recycling Office at 441-8215 or see the City Web site at [lincoln.ne.gov](http://lincoln.ne.gov).



# NEWS RELEASE

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

**PUBLIC WORKS AND UTILITIES DEPARTMENT**  
Recycling Office, 2400 Theresa Street, Lincoln, NE 68521, 441-7043

**FOR IMMEDIATE RELEASE:** March 24, 2005

**FOR MORE INFORMATION:** Gene Hanlon, Recycling Coordinator, 441-7043  
Tonya Bernadt, WasteCap Nebraska, 436-2383

## **SIXTH ANNUAL "CLEAN YOUR FILES WEEK" SET FOR APRIL 18 THROUGH 22**

The sixth annual "Clean Your Files Week" in Lincoln begins Monday, April 18. The program supports Earth Day 2005 by offering office workers the opportunity to empty file drawers and fill recycling bins through April 22. Recyclable items include computer paper, letterhead, white and colored ledger paper, phone books, cards and envelopes.

City Recycling Coordinator Gene Hanlon said in the first five years of "Clean Your Files Week," businesses, government, office buildings and educational institutions have recycled more than 192,000 pounds of paper.

"Mayor Seng is an avid recycler, and last year her office led local government in the 'Clean Your Files' effort by recycling 40 pounds of office paper per employee," said Hanlon. "By encouraging employees to recycle old files, we hope to increase the recovery of office paper and teach people how to recycle at work every day. By participating in 'Clean Your Files Week,' businesses can support Earth Day, increase awareness about recycling and help to conserve valuable resources."

Individuals with home businesses also are encouraged to participate. They can deposit their old files in the residential mixed paper recycling container at recycling drop-off sites located throughout the City.

"Clean Your Files Week" is organized by Recycling at Work, a campaign of the National Office Paper Recycling Project. This is a public-private partnership managed by the U.S. Conference of Mayors, with the help of "Clean Your Files" national sponsors. Local sponsors include the City of Lincoln, Midland Recycling and WasteCap Nebraska.

To learn more about "Clean Your Files Week" or to register your business, call 441-8215 or 436-2383.

# Washington Report

Vol. 11 No. 7  
 March 17, 2005

City of Lincoln -- Washington Office

## House and Senate Approve Budget Blueprints

### INSIDE

Budget .....	1
Transportation .....	2
Welfare .....	2
Brownfields .....	2
Environment .....	3
Water Resources .....	3
Economic Development .....	3
Grant Opportunities .....	4

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### Budget

Senate votes to restore CDBG. The House and Senate passed competing versions of the FY 2006 Budget Resolution this week. In a victory for local governments, the Senate voted 68-31 in favor of an amendment offered by Senator Norm Coleman (R-MN) to restore funding for Community Development Block Grants (CDBG), Community Services Block Grants (CSBG) and a few other community and economic development programs. 24 Republicans joined all of the Democrats and James Jeffords (I-VT) in favor of the amendment, which would offset the increase for these programs with an across-the-board cut of less than one percent to all other discretionary spending programs, including defense.

Earlier, the Senate rejected, 49-51, an amendment offered by Senator Paul Sarbanes (D-MD) that would have restored funding for CDBG and the other 17 community and economic development programs the Administration has proposed consolidating into a single block grant at the Department of Commerce. The Sarbanes amendment called for offsetting the increased funding by closing loopholes in the tax code that the Senate has agreed to in the past.

The Budget Resolution approved each year by Congress does not become law and does not enact any spending, tax or policy decisions. Instead it serves as a broad outline that guides lawmakers as they write appropriations bills, tax bills and make major policy changes. However, the Budget Resolution sets an overall discretionary spending cap that Congress must adhere to as it enacts FY 2006 appropriations.

It also provides instructions to tax and authorizing committees on how to meet the broad overall budget goals it outlines. Those instructions are important because any tax or authorizing legislation that follows those instructions is protected from filibusters on the

Senate floor.

The Senate approved an amendment offered by Senator Edward Kennedy (D-MA) to bring total discretionary spending in FY 2006 to \$848 billion, offset by a \$5 billion decrease in tax cuts. Most of the \$5 billion in additional funding provided by the Kennedy amendment would go to education and veterans programs.

The Senate version of the Budget Resolution would provide protection from filibuster for \$70 billion in tax cuts while its House counterpart would protect \$45 billion in tax cuts from filibuster. During its debate, the Senate agreed, 52-48, to an amendment offered by Senator Gordon Smith (R-OR) to strike protections for a \$15 billion cut to Medicaid. As a result of the Smith amendment, the Senate Budget Resolution provides filibuster protection for only \$17 billion in cuts to mandatory spending versus \$69 billion in the House Budget Resolution.

The Budget Resolution passed by the House calls for \$843 billion in discretionary spending in FY 2006. With increases for defense and homeland security, that figure translates into approximately a one percent cut for non-defense, non-homeland security discretionary spending. Numerous amendments by Democrats to increase funding in the resolution were defeated.

**DUE TO THE  
 CONGRESSIONAL RECESS,  
 THE NEXT WASHINGTON  
 REPORT WILL BE SENT ON  
 APRIL 8**

The Budget Resolutions now go to a House-Senate Conference Committee, which will be charged with reconciling the competing

documents. The Senate votes on the Smith and Kennedy amendments coupled with the determination of House conservatives to keep discretionary spending at \$843 billion and fight for maximum cuts to mandatory spending mean that it will not be an easy task. By law, Congress must pass a Budget Resolution by April 15.

However, that is a deadline that is often missed and in many years Congress fails to pass a Budget Resolution. The lack of a Budget Resolution makes enacting major tax legislation or changes to mandatory spending programs difficult and means that appropriators must write appropriations bills without an overall cap on discretionary spending.

## Transportation

Senate committees advance \$284 billion TEA-21 reauthorization measure. The Senate Environment and Public Works (EPW) Committee, which oversees highway spending, and the Senate Banking Committee, which oversees transit programs, approved their respective titles of a surface transportation reauthorization bill this week, although at lower funding levels than most preferred.

The \$284 billion level in the Senate measure mirrors the House version (HR 3) approved last week, and is reportedly the amount acceptable to the Bush Administration. At the EPW Committee markup, Chairman James Inhofe (R-OK) urged members to hold off on amendments to drive up the funding level, but remarked that he expected there to be efforts on the Senate floor to bring the bill in line with the six-year, \$318 billion bill that was approved overwhelmingly in the Senate in 2004.

In addition to being disappointed with the overall funding number, Banking Committee Chairman Richard Shelby (R-AL) expressed frustration that the percentage of transit dollars in the bill has dropped disproportionately from the measure (S 1072) approved in the Senate last year. In S 1072, transit programs would have received \$56.6 billion, or 18.8 percent

of the overall amount, while the legislation approved this week would only authorize \$51.6 billion for transit, or roughly 18.2 percent of the total available funding.

The “donor-donee” issue with regard to highway spending is addressed in the bill but not to the degree that it guarantees a 95 percent return on Highway Trust Fund contributions. The percentage of the bill’s highway dollars that are divvied up among the states via formula (or “scope”), would continue to be 92.5 percent. And despite the lower funding level, a provision in the bill remains that provides each state at least a 10 percent increase over the funds received in TEA-21. However, the measure would also cap a state’s growth in highway funds each year to 19 percent in 2005, 22 percent in 2006, 23 percent in 2007, and 28 percent in 2008. The so-called growth “ceiling” would be lifted in 2009.

Unlike its Senate counterpart the Senate did not propose earmarks for Members’ individual highway or transit projects, but is expected to add projects in a House-Senate conference committee on the bill.

The Senate is expected to markup the highway safety and tax-related titles, in Commerce, Science, and Transportation Committee and the Finance Committee during the second week of April. Late April floor time has already been reserved by Senate Majority Leader Bill Frist (R-TN) for the transportation bill, and supporters hope to reconcile the House and Senate measures by May 31, when the current short-term extension of highway, transit, and highway safety programs expires.

## Welfare

House panel clears reauthorization while Congress sends President a ninth short term extension. The House Ways and Means Committee Subcommittee on Human Resources approved legislation that would rewrite the 1996 welfare law on Tuesday by a vote of 7-4.

The legislation would increase work requirements for welfare recipients from 30

to 40 hours a week, increase child care authorizations by \$1 billion over five years, provide \$1 billion in marriage promotion programs over five years, and give states more flexibility to operate their programs. The bill would also mandate that 24 hours per week to be devoted to “direct work activities” and the remaining 16 hours could be used for education or training activities for adult recipients of welfare. The number of months recipients could count vocational and educational training towards work would be reduced from 12 to three. House Democrats opposed to the bill mainly feel that more child care assistance is needed to offset the increase in mandatory work requirements.

The Senate Finance Committee approved its own draft bill to rewrite the 1996 law on March 9 (see last week’s [Washington Report](#)). The Senate version would increase child care subsidies by \$6 billion over the next five years and require adult recipients to work 34 hours per week.

Because the House and Senate have been unable to agree on reauthorization of the program, Congress has passed eight short-term extensions of the 1996 law since it expired in October 2002.

Congress sent President Bush legislation (HR 1160) this week to extend the law a ninth time until June 30. Due to the continued disagreements on work requirements and child care subsidies between House and Senate, a tenth extension is not out of the question.

## Brownfields

House Committee on Financial Services passes bill to improve the ability of local governments to rehabilitate polluted industrial sites known as Brownfields. The *Brownfields Redevelopment Enhancement Act* (HR 280), introduced by Gary Miller (R-CA), removes the requirement that local governments secure a Section 108 loan from the Department of Housing and Urban Development before qualifying to receive Brownfields Economic Development Initiative (BEDI) grants.

Since Section 108 loans require future Community Development Block Grant (CDBG) funding to be used as collateral, BEDI grants are all but impossible to utilize, according to Miller, because the loan requirement forces local governments to make a choice between brownfield redevelopment or some other project funded by CDBG. While brownfield redevelopment brings jobs and revenue to communities as well as rehabilitate land for housing and commercial purposes, most local governments lack the capital to begin site assessment, mediation, and clean-up.

The bill also would authorize a new federal redevelopment loan program that would allow local governments to secure private loans by providing federal money for collateral.

On Wednesday the committee passed the legislation for the third time in six years, and it now moves to the full House, where a similar measure was approved overwhelmingly during the last Congress.

## Environment

Legislation requiring the EPA to provide guidance for cleaning up methamphetamine laboratories passes House Committee. Known as the *Methamphetamine Remediation Research Act* (HR 798), the bill is designed to help limit the danger to state agencies, local governments, and first responders who clean-up the explosive chemicals in illegal labs, which are often in residential areas of communities.

The bill would require the EPA, supported by the National Institute of Standards and Technology, to propose voluntary guidelines on the possible effects of the chemicals used to produce methamphetamine and how extensive clean up should be. The legislation also would direct the National Institute of Standards and Technology to develop methamphetamine detection devices for fieldwork.

Bart Gordon (D-TN), the bill's sponsor, noted that methamphetamine production is a nation-wide problem with thousands of illegal lab raids every year. The House Science Committee passed the bill by voice vote, and it now heads to the full House for consideration.

## Water Resources

House preparing long-awaited WRDA bill. A subcommittee of the House Transportation & Infrastructure Committee began the process of considering a 2004 version of the Water Resources Development Act (WRDA) this week.

Traditionally, WRDA bills are approved every two years, but the last time a measure was approved by Congress was 2000. While the flood control, dredging, and other water-related projects authorized in the bill are popular with members, the legislation has been bogged down recently by proposals to reform operations at the U.S. Army Corps of Engineers, the Defense Department Agency that administers the majority of the projects. Environmental groups have claimed for some time that the Corps underestimates the environmental damage done by the projects and has pushed for independent reviews.

In addition, the Bush Administration has been adamant in recent years about cutting back on the number of projects the Corps begins, instead preferring that they complete the backlog of projects already in the works. A new WRDA bill would add a number of new projects to that pipeline and further strain the very tight budget for the Corps.

This week the Water Resources and Environment Subcommittee of the House T&I Committee heard from Members of the House about their individual requests for WRDA projects. Supporters are hoping for introduction of a bill in the House this Spring.

## Economic Development

Assistant Secretary of Commerce provides no new details on SACGP in testimony before House panel. Assistant Secretary of Commerce for Economic Development David Sampson testified in front of the Economic Development, Public Buildings and Emergency Management Subcommittee of the House Transportation and Infrastructure Committee on Thursday in defense of the Administration's proposal to consolidate 18 of the 35 existing federal community and economic development programs into a single \$3.71 billion unified grant program dubbed the Strengthening America's Communities Grant Program (SACGP).

In his prepared comments, Sampson said, "The President's proposed initiative is good for the economy, is good for distressed communities and is simply good government. It will position communities, regions, and states to be more competitive in the worldwide economy and most importantly, it will create more American jobs and a rising standard of living." Sampson's testimony concluded with him pledging to work with stakeholders and Members of Congress to draft legislation.

Members of the panel received Sampson's testimony with skepticism. In his opening statement Subcommittee Chairman Bill Shuster (R-PA) expressed his interest in working with the Administration and other members in drafting the legislation that makes such significant programmatic changes. However, full Committee Ranking Member Jim Oberstar (D-MN) mentioned his long term support of the Economic Development Administration (EDA) and Ranking Member Eleanor Holmes Norton (D-DC) expressed displeasure at the administration's unwillingness to come forward with information about their proposal.

Both Oberstar and Norton expressed concern that consolidation might overwhelm EDA and harm its economic development mission. Because the Subcommittee has jurisdiction over EDA, it

and not CDBG was the primary focus of the hearing.

The reactions of Oberstar and Norton reflect the frustration many Members feel due to the lack of a more detailed proposal from the Administration. At a previous hearing on the proposal held by the House Financial Services Committee, members from both parties criticized the Administration for making such a wide ranging proposal while offering few details.

## Grant Opportunities

**Brownfields:** The Phoenix Award Executive Committee is accepting applications for the 2005 Phoenix Award, which recognizes excellence in transforming abandoned industrial areas into productive new uses. The award focuses on the magnitude of the project, innovative techniques, solutions to regulatory issues, and impact on the community. Recipients are selected by a panel of environmental professionals and businesses and academic and government leaders, and one recipient will be chosen from each of EPA's ten regions. Winners will be honored at a ceremony during *Brownfields 2005* in Denver, Colorado November 2-4, 2005. Applications are due June 30, 2005. For more information on the award see:

[www.brownfields2005.org/en/Article.aspx?id=12](http://www.brownfields2005.org/en/Article.aspx?id=12), and for more information on *Brownfields 2005*, see [www.brownfields2005.org](http://www.brownfields2005.org).

### **Department of Homeland Security, March 15:**

The Office for Domestic Preparedness (ODP) is accepting applications for the FY 2005 Competitive Training Grants Program. Applicants must develop a concept for training in one of the following issue areas: training in how to develop, conduct and maintain a government Continuity of Operations Planning program; training to strengthen the ability of state and local governments to improve intelligence and operational capabilities for prevention and deterrence of terrorism; training to develop self reliant community groups preparing for, responding to, and recovering from a terrorist incident; training to enhance

transit systems' capacity to prevent and/or manage a terrorist incident; and training for port facilities or health care providers to respond to an incident. Applicants also must design their training to comport with designated target capabilities developed by ODP ([www.llis.gov](http://www.llis.gov) requires a log-in and instructions can be found in the guidance below). Total funding levels have not been set although there is no required match. The project period is not to exceed 24 months. Concept papers are due April 8, 2005, and invited full proposals will be due May 16, 2005. For more information see, [www.ojp.usdoj.gov/odp/docs/fy05ctgp.pdf](http://www.ojp.usdoj.gov/odp/docs/fy05ctgp.pdf). (Grants.gov)

**Actual Compared to  
Projected Sales Tax Collections**

	VARIANCE				
	2004-05	2004-05	FROM	\$ CHANGE	% CHANGE
	PROJECTED	ACTUAL	PROJECTED	FR. 03-04	FR. 03-04
SEPTEMBER	\$4,515,734	\$4,512,303	(\$3,431)	\$128,424	2.93%
OCTOBER	\$4,727,381	\$4,541,471	(\$185,910)	(\$18,923)	-0.41%
NOVEMBER	\$4,759,942	\$4,586,261	(\$173,681)	\$279,549	6.49%
DECEMBER	\$4,303,478	\$4,174,828	(\$128,650)	\$251,162	6.40%
JANUARY	\$4,547,686	\$4,043,044	(\$504,642)	(\$233,565)	-5.46%
FEBRUARY	\$5,600,491	\$5,692,517	\$92,026	\$484,330	9.30%
MARCH	\$4,156,954	\$4,059,634	(\$97,320)	\$102,351	2.59%
APRIL	\$3,907,319				
MAY	\$4,536,832				
JUNE	\$4,357,746				
JULY	\$4,477,137				
AUGUST	\$4,737,625				
TOTAL	\$54,628,325	\$31,610,058	(\$1,001,608)	\$993,329	3.24%

**GROSS SALES TAX COLLECTIONS  
(WITH REFUNDS ADDED BACK IN)  
1999-2000 THROUGH 2004-2005**

	ACTUAL 1999-2000	ACTUAL 2000-2001	ACTUAL 2001-2002	ACTUAL 2002-2003	% CHG. FR. PRIOR YEAR	ACTUAL 2003-2004	% CHG. FR. PRIOR YEAR	ACTUAL 2004-2005	% CHG. FR. PRIOR YEAR
SEPTEMBER	\$3,592,214	\$3,758,935	\$3,844,150	\$4,239,938	10.30%	\$4,453,875	5.05%	\$4,648,160	4.36%
OCTOBER	\$3,831,639	\$4,273,028	\$4,116,763	\$4,464,191	8.44%	\$4,670,587	4.62%	\$4,706,690	0.77%
NOVEMBER	\$4,067,052	\$4,060,765	\$4,125,824	\$4,407,744	6.83%	\$4,526,166	2.69%	\$4,687,792	3.57%
DECEMBER	\$3,668,154	\$3,824,569	\$3,855,906	\$4,034,958	4.64%	\$4,314,111	6.92%	\$4,500,338	4.32%
JANUARY	\$3,896,477	\$3,968,572	\$4,140,990	\$4,046,633	-2.28%	\$4,335,924	7.15%	\$4,264,010	-1.66%
FEBRUARY	\$4,917,238	\$4,895,886	\$4,982,568	\$5,224,986	4.87%	\$5,531,405	5.86%	\$6,086,841	10.04%
MARCH	\$3,259,926	\$3,731,090	\$3,908,567	\$4,076,943	4.31%	\$3,980,041	-2.38%	\$4,185,189	5.15%
APRIL	\$3,454,776	\$3,126,694	\$3,641,403	\$3,711,803	1.93%	\$3,889,388	4.78%		
MAY	\$4,098,255	\$4,061,857	\$3,949,873	\$4,184,028	5.93%	\$4,602,788	10.01%		
JUNE	\$3,619,721	\$3,741,325	\$3,856,119	\$4,169,550	8.13%	\$4,599,245	10.31%		
JULY	\$3,948,039	\$3,804,895	\$4,033,350	\$4,105,554	1.79%	\$4,391,257	6.96%		
AUGUST	\$4,062,654	\$4,093,476	\$4,231,174	\$4,402,156	4.04%	\$4,893,438	11.16%		
TOTAL	\$46,416,145	\$47,341,091	\$48,686,688	\$51,068,484	4.89%	\$54,188,225	6.11%	\$33,079,020	3.98%

Year to date vs.  
previous year



**CITY OF LINCOLN  
SALES TAX REFUNDS  
1999-2000 THROUGH 2004-2005**

	<b>ACTUAL 1999-00</b>	<b>ACTUAL 2000-2001</b>	<b>ACTUAL 2001-2002</b>	<b>ACTUAL 2002-2003</b>	<b>% CHG. FR. PRIOR YEAR</b>	<b>ACTUAL 2003-2004</b>	<b>% CHG. FR. PRIOR YEAR</b>	<b>ACTUAL 2004-2005</b>	<b>% CHG. FR. PRIOR YEAR</b>
<b>SEPTEMBER</b>	(107,766)	(\$472,215)	(\$646,545)	(\$48,531)	-92.49%	(\$69,997)	44.23%	(\$135,858)	94.09%
<b>OCTOBER</b>	(375,346)	(\$127,363)	(\$379,290)	(\$64,605)	-82.97%	(\$110,193)	70.56%	(\$165,219)	49.94%
<b>NOVEMBER</b>	(123,176)	(\$448,872)	(\$132,336)	(\$134,088)	1.32%	(\$219,454)	63.66%	(\$101,531)	-53.73%
<b>DECEMBER</b>	(36,049)	(\$193,085)	(\$240,014)	(\$177,459)	-26.06%	(\$390,445)	120.02%	(\$325,510)	-16.63%
<b>JANUARY</b>	(1,145,096)	(\$352,999)	(\$74,082)	(\$306,467)	313.68%	(\$59,315)	-80.65%	(\$220,967)	272.53%
<b>FEBRUARY</b>	(8,072)	(\$115,206)	(\$509,277)	(\$61,404)	-87.94%	(\$323,218)	426.38%	(\$394,324)	22.00%
<b>MARCH</b>	(196,501)	(\$303,779)	(\$428,507)	(\$17,601)	-95.89%	(\$22,759)	29.30%	(\$99,240)	336.05%
<b>APRIL</b>	(219,339)	(\$478,438)	(\$333,878)	(\$281,861)	-15.58%	(\$199,018)	-29.39%	(\$69,900)	-64.88%
<b>MAY</b>	(200,539)	(\$79,461)	(\$176,292)	(\$275,081)	56.04%	(\$155,787)	-43.37%		
<b>JUNE</b>	(108,185)	(\$47,618)	(\$127,168)	(\$138,914)	9.24%	(\$194,593)	40.08%		
<b>JULY</b>	(193,310)	(\$235,932)	(\$181,863)	(\$563,339)	209.76%	(\$42,086)	-92.53%		
<b>AUGUST</b>	(155,756)	\$0	(\$63,949)	(\$341,868)	434.60%	(\$531,884)	55.58%		
<b>TOTAL</b>	(2,869,134)	(\$2,854,968)	(\$3,293,201)	(\$2,411,218)	-26.78%	(\$2,318,751)	-3.83%	(\$1,512,548)	8.47%

Year to date vs.  
previous year

**CITY OF LINCOLN  
NET SALES TAX COLLECTIONS  
1999-2000 THROUGH 2004-2005**

	<b>ACTUAL 1999-00</b>	<b>ACTUAL 2000-2001</b>	<b>ACTUAL 2001-2002</b>	<b>ACTUAL 2002-2003</b>	<b>% CHG. FROM PR. YEAR</b>	<b>ACTUAL 2003-2004</b>	<b>% CHG. FROM PR. YEAR</b>	<b>ACTUAL 2004-2005</b>	<b>% CHG. FROM PR. YEAR</b>
<b>SEPTEMBER</b>	\$3,484,448	\$3,286,720	\$3,197,606	\$4,191,407	31.08%	\$4,383,878	4.59%	\$4,512,303	2.93%
<b>OCTOBER</b>	\$3,456,293	\$4,145,665	\$3,737,474	\$4,399,587	17.72%	\$4,560,394	3.66%	\$4,541,471	-0.41%
<b>NOVEMBER</b>	\$3,982,687	\$3,611,894	\$3,993,488	\$4,273,655	7.02%	\$4,306,712	0.77%	\$4,586,261	6.49%
<b>DECEMBER</b>	\$3,668,154	\$3,631,485	\$3,615,893	\$3,857,499	6.68%	\$3,923,666	1.72%	\$4,174,828	6.40%
<b>JANUARY</b>	\$2,751,381	\$3,615,574	\$4,066,908	\$3,740,166	-8.03%	\$4,276,609	14.34%	\$4,043,044	-5.46%
<b>FEBRUARY</b>	\$4,909,166	\$4,780,680	\$4,473,291	\$5,163,582	15.43%	\$5,208,187	0.86%	\$5,692,517	9.30%
<b>MARCH</b>	\$3,063,425	\$3,427,311	\$3,480,060	\$4,059,342	16.65%	\$3,957,283	-2.51%	\$4,059,634	2.59%
<b>APRIL</b>	\$3,235,437	\$2,648,256	\$3,307,525	\$3,429,942	3.70%	\$3,690,371	7.59%		
<b>MAY</b>	\$3,897,718	\$3,982,395	\$3,773,581	\$3,908,947	3.59%	\$4,447,001	13.76%		
<b>JUNE</b>	\$3,497,973	\$3,693,707	\$3,728,951	\$4,030,637	8.09%	\$4,404,651	9.28%		
<b>JULY</b>	\$3,948,039	\$3,568,964	\$3,851,488	\$3,542,215	-8.03%	\$4,349,171	22.78%		
<b>AUGUST</b>	\$3,906,898	\$4,093,476	\$4,167,224	\$4,060,288	-2.57%	\$4,361,554	7.42%		
<b>TOTAL</b>	\$43,801,620	\$44,486,126	\$45,393,489	\$48,657,267	7.19%	\$51,869,477	6.60%	\$31,610,058	3.24%
									Year to date vs. previous year



# CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

Parks and Recreation Department  
Lynn Johnson, Director  
2740 "A" Street  
Lincoln, Nebraska 68502  
402-441-7847  
fax: 402-441-8706

"Making Lincoln a Better Place to Live"

March 23, 2005

Paul Beetz  
6938 South 53<sup>rd</sup> Court  
Lincoln, Nebraska 68516

RE: Correspondence Received on March 15, 2005

Dear Mr. Beetz:

I received a copy of your letter received on March 15, 2005 concerning the letter sent to your daughter Colette regarding continued employment as a lifeguard with the Parks and Recreation Department.

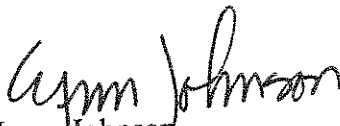
As I stated during our telephone conversation, our intent was to communicate with past employees to assist them in making plans for seeking employment for the upcoming summer. I understand that you found the letter to be offensive, and I apologize for any distress caused to you or your family.

We will be changing our procedure and will conduct an exit interview with pool staff at the end of the summer regarding their performance and opportunities for future employment, rather than sending out letters.

It is my understanding that Tonya Skinner, Assistant City Attorney, will be responding to your request for information and records.

Please phone me at 441-8265 if I can be of assistance.

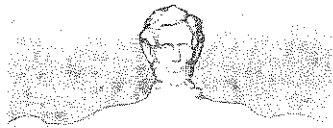
Sincerely,

  
Lynn Johnson  
Parks and Recreation Director

Cc: Mayor Coleen Seng  
Lincoln City Council members  
Tonya Skinner, Assistant City Attorney

LINCOLN

*The Community of Opportunity*



# CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

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Parks and Recreation Department

Lynn Johnson, Director

2740 "A" Street

Lincoln, Nebraska 68502

402-441-7847

fax: 402-441-8706

"Making Lincoln a Better Place to Live"

March 23, 2005

Colette Beetz  
6938 South 53<sup>rd</sup> Court  
Lincoln, Nebraska 68516

RE: Correspondence sent to you on January 26, 2005

Dear Ms. Beetz:

The purpose of this letter is to follow up on a letter sent to you on January 26, 2005 regarding continued employment as a lifeguard with the Parks and Recreation Department.

Our intent in the sending the letter was to assist you in making plans for seeking employment for the upcoming summer. In the past some seasonal employees have assumed that they can expect continuing employment from one summer to the next. I understand that you may have found the letter to be offensive, and I apologize for any distress caused to you.

We will be changing our procedure and will conduct an exit interview with pool staff at the end of the summer regarding their performance and opportunities for future employment, rather than sending out letters.

Thank you for your service as a lifeguard during the past three years, and I wish you well in your future endeavors. Please phone me at 441-8265 if I can be of assistance.

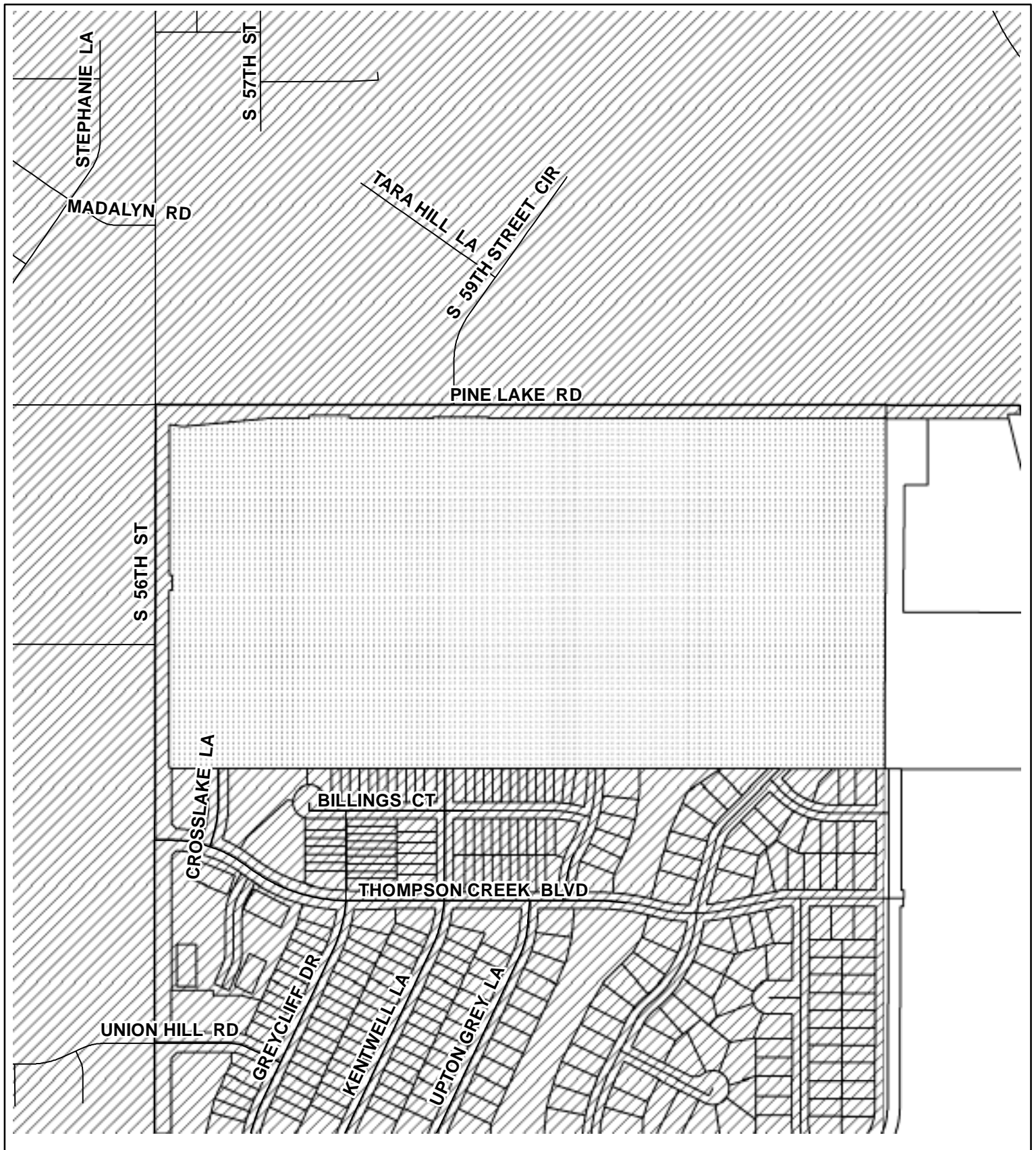
Sincerely,

Lynn Johnson  
Parks and Recreation Director

Cc: Mayor Coleen Seng  
Lincoln City Council members  
Tonya Skinner, Assistant City Attorney



# LINCOLN

The Community of Opportunity



Annexation by Ordinance  
 75.17 Acres  
 Ordinance No. 18503  
 Effective: March 1, 2005



 Area of Annexation  
 Existing City Limit

0 250 500 1,000  
 Feet



# CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

Lincoln-Lancaster County

Planning Department

Marvin S. Krout, Director

Mary E. Bills-Strand, Chair

City-County Planning Commission

555 South 10th Street

Suite 213

Lincoln, Nebraska 68508

402-441-7491

fax: 402-441-4377

March 21, 2005

Brian D. Carstens

Brian D. Carstens & Associates

601 Old Cheney Rd. Suite C

Lincoln, NE 68512

RE: Whispering Creek Final Plat #05006 Generally located at S. 112<sup>th</sup>  
St & Old Cheney Rd.

Dear Mr. Carstens:

Whispering Creek Addition generally located southeast of S. 112<sup>th</sup> St. and Old Cheney Rd. was approved by the Planning Director on March 15, 2005. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per **existing** lot and per **new** lot and \$20.00 per plat sheet for the plat, and \$.50 per **new** lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Tom Cajka  
Planner

CC: Connie Heier  
Patricia Slaughter  
Joan Ray, City Council  
Dennis Bartels, Public Works & Utilities  
Terry Kathe, Building & Safety  
Sharon Theobald, Lincoln Electric  
File

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# CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

Lincoln-Lancaster County  
Planning Department  
Marvin S. Krout, Director  
Mary E. Bills-Strand, Chair  
City-County Planning Commission

555 South 10th Street  
Suite 213

Lincoln, Nebraska 68508  
402-441-7491  
fax: 402-441-6377

March 2, 2005

Paula DiCero  
Associated Engineering  
1232 High Street, Suite 3  
Lincoln, NE 68502

RE: Prairie Village 3<sup>rd</sup> Addition Final Plat #05004 Generally located at  
N. 87<sup>th</sup> and Leighton Avenue

Dear Ms. DiCero

Prairie Village 3<sup>rd</sup> Addition Final Plat #05004 Generally located at N. 87<sup>th</sup> and Leighton Avenue was approved by the Planning Director on March 22, 2005. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per **existing** lot and per **new** lot and \$20.00 per plat sheet for the plat, and \$.50 per **new** lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Becky Horner, 441-6373, [rhorne@lincoln.ne.gov](mailto:rhorne@lincoln.ne.gov)  
Planner

CC: ~~Joan Ray, City Council~~  
Dennis Bartels, Public Works & Utilities  
Terry Kathe, Building & Safety  
Sharon Theobald, Lincoln Electric  
Jean Walker, Planning  
File


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# MEMORANDUM

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**TO:** City Council

**FROM:** Marvin Krout, Planning Director 

**SUBJECT:** Letter from Realty Trust Regarding Change of Zone #05004

**DATE:** March 23, 2005

**COPIES:** Greg Czaplewski, Planning Department  
Roger Figard, Randy Hoskins, Dennis Bartels, Public Works & Utilities  
Ann Harrell, Mayor's Office  
Planning Commission  
Mike Marsh, Realty Trust Group

---

On March 14<sup>th</sup>, the City Council received a letter from Mike Marsh for Realty Trust Group requesting that the proposed Change of Zone #05004 on the northwest corner of 84<sup>th</sup> and Old Cheney Road be placed on hold. This application is for a change of zone to R-3 Planned Unit Development (PUD) for 28 dwelling units and 22,000 square feet of commercial space. This application was unanimously approved by the Planning Commission on February 16<sup>th</sup>, 2005 and is already on hold awaiting for the PUD plan to be resubmitted with some minor changes required by the Planning Commission.

In the letter Mr. Marsh states that "the Planning Commission approved the plan without us realizing there were certain restrictions added." The restrictions Mr. Marsh objects to were not added by the Planning Commission. The restrictions were included by Mr. Marsh as part of his original application on January 20<sup>th</sup>, 2005. Mr. Marsh stated to us that after the Planning Commission action, he read his application and realized his application included a note that stated:

"The following uses are not permitted: banks and savings and loan, convenience stores and gasoline stations, automobile car wash facilities, warehousing, self storage and industrial uses."

It also restricts restaurants to less than 1,500 square feet and no drive-thru. Otherwise, his application permits up to 22,000 square feet of a wide variety of retail and office uses.

The restriction included in Mr. Marsh's application was a result of a compromise worked out over several months with Mr. Marsh. Currently this site's primary access is to a street named Wendell Way, past several existing homes. This nearly 6 acre site is designated for residential use in the Comprehensive Plan and is currently zoned AG Agricultural. Ideally, from a traffic standpoint, this property would develop with residential uses and no access to 84<sup>th</sup> Street or Old Cheney Road so close to the intersection.

Mr. Marsh proposed to have a commercial access to S. 84<sup>th</sup> Street, into a future right-hand turn lane. Public Works & Utilities Department (PWU) objected to this access into a turn lane so close to the intersection of 84<sup>th</sup> & Old Cheney Road, which is currently being widened to four through lanes, plus turn lanes. After extensive discussion, PWU agreed to the access on 84<sup>th</sup> into the turn lane and additional right-in/ right-out on Old Cheney Road, only if the commercial uses were less intensive and



would generate less traffic and demands for access and turns.


Thus, staff stated it would recommend approval of a mixed use plan, if it included a restriction on intensive land uses such as banks, restaurants and convenience stores. Staff stated this in writing to Mr. Marsh in a letter dated October 1<sup>st</sup>, 2004, and discussed it several times with Mr. Marsh and/or his representatives. Mr. Marsh's application of January 20<sup>th</sup> included these restrictions on land uses and thus staff recommended approval. These restrictions were also noted in the staff report published on February 10<sup>th</sup>, prior to the Planning Commission hearing, and were part of the record when Planning Commission also recommended approval. This project was not opposed at the hearing by the nearby homeowners, probably in part due to this restriction which would limit the traffic impact on their property. One homeowner on military duty overseas did send in a letter objecting to the rezoning.

Mr. Marsh also attached two letters sent to him by the Planning Department on February 25<sup>th</sup> and March 3<sup>rd</sup> where we explained that if he wanted to amend these restrictions in the future, once he had a specific business, we would certainly consider any amendment. However, Mr. Marsh insisted that all the restrictions be removed, as well as removing the approval of the commercial floor area, but retaining the access to 84<sup>th</sup> and Old Cheney Road. Approving part of the plan for a PUD is contrary to the purposes of this improved zoning tool and authorizing access without some appropriate restrictions on uses would potentially impact the function of the intersection and the traveling public.

We still recommend approval of Mr. Marsh's plan as submitted and approved by the Planning Commission. If he wishes to indefinitely delay or withdraw his application because of the restrictions in his own application, that is his choice. He also has the choice to make the minor amendments required by Planning Commission (unrelated to this discussion) and forward the application to the City Council for hearing and action. However, at that time it would be inappropriate for the City Council to act to remove the land use restrictions in his original application, since it would be substantially different than application that was advertised, presented to the neighbors and approved by the Planning Commission.

**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** March 23, 2005

**RE :** **Special Permit No. 1006F, Amendment to Forest Lake Estates CUP**  
(6833 Forest Lake Blvd.)  
**Resolution No. PC-00907**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 16, 2005:

Motion made by Larson, seconded by Sunderman, to approve **Special Permit No. 1006F**, an amendment to the **Forest Lake Estates Community Unit Plan**, with conditions, as revised, requested by Duane and Juliane Thomas, for authority to amend Forest Lake Estates Community Unit Plan to allow a reduction in the front yard setback from 22' to 20.9', on property located at 6833 Forest Lake Boulevard.

Motion to approve, with conditions, as revised, carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Dennis Moore, Brown Architecture & Design Co., 3624 Farnam St., Omaha, NE 68131  
Duane and Juliane Thomas, 6833 Forest Lake Blvd., 68516  
Terri Heckman, Colonial Hills Neighborhood Association, 5621 Bison Ct., 68516  
Kathryn Dixon, Colonial Hills Neighborhood Association, 6820 Bernese Blvd., 68516

---

RESOLUTION NO. PC- 00907

SPECIAL PERMIT NO. 1006F

1 WHEREAS, Duane and Juliane Thomas have submitted an application  
2 designated as Special Permit No. 1006F for authority to amend Forest Lake Estates Community  
3 Unit Plan to allow a reduction in the front yard setback from 22' to 20.9', on property located at  
4 6833 Forest Lake Blvd., and legally described as:

5 Lot 9, Block 1, Forest Lake Estates 9th Addition, Lincoln,  
6 Lancaster County, Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
8 public hearing on said application; and

9 WHEREAS, the community as a whole, the surrounding neighborhood, and the  
10 real property adjacent to the area included within the site plan for this community unit plan will  
11 not be adversely affected by granting such a permit; and

12 WHEREAS, said site plan together with the terms and conditions hereinafter set  
13 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and  
14 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and  
15 general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
17 Planning Commission of Lincoln, Nebraska:

18 That the application of Duane and Juliane Thomas, hereinafter referred to as  
19 "Permittee", to amend the Forest Lake Estates Community Unit Plan to allow a reduction in the

front yard setback from 22' to 20.9', be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 the Lincoln Municipal Code upon condition that development of said Forest Lake Estates Community Unit Plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reduction in the front yard setback for the addition of a garage as shown on the approved site plan.

2. Before receiving building permits the construction plans must conform to the approved plans.

3. Before occupying this addition all development and construction must conform to the approved plans.

4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

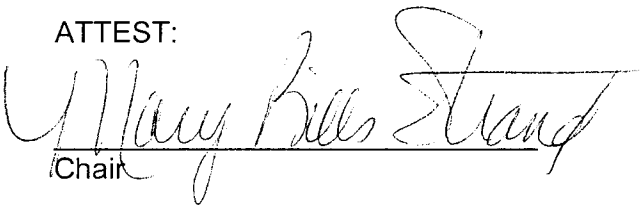
5. This resolution's terms, conditions, and requirements bind and obligate the Permittee, their successors and assigns.

6. The Permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

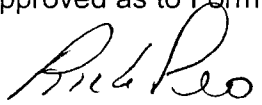
7. The site plan as approved with this resolution voids and supersedes all previously approved site plans for this lot, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

1                   The foregoing Resolution was approved by the Lincoln City-Lancaster County  
2   Planning Commission on this 16<sup>th</sup> day of March, 2005.

ATTEST:


  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** March 23, 2005

**RE :** **Special Permit No. 05007**  
(On-sale alcohol at 3700 S. 9<sup>th</sup> Street)  
**Resolution No. PC-00908**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 16, 2005:

Motion made by Taylor, seconded by Larson, to approve **Special Permit No. 05007**, with conditions, requested by B & J Partnership, on behalf of its tenant, Kim Hyansoo d/b/a Shogun Restaurant, for authority to sell alcoholic beverages for consumption in Suites F, G, H and I, on premises located at 3700 S. 9<sup>th</sup> Street, northwest of the intersection of Highway 2 and Pioneers Blvd. Motion to approval carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Kim Hyansoo, 7400 S. 33<sup>rd</sup> Street, 68516  
B&J Partnership, 340 Victory Lane, 68528  
Lee Youngseob, 5520 S. 56<sup>th</sup> Street, 68506

---

RESOLUTION NO. PC-00908

SPECIAL PERMIT NO. 05007

1               WHEREAS, B&J Partnership, on behalf of its tenant Kim Hyansoo dba  
2   Shogun Restaurant, has submitted an application designated as Special Permit No.  
3   05007 for authority to sell alcoholic beverages for consumption in Suites F, G, H, and I,  
4   on the premises generally located at 3700 S. 9th Street, northwest of the intersection of  
5   Highway 2 and Pioneers Blvd., legally described as:

6               Lot 95 I.T., located in the Southeast Quarter of Section 2,  
7               Township 9 North, Range 6 East of the 6th P.M., Lincoln,  
8               Lancaster County, Nebraska; and

9               WHEREAS, the real property adjacent to the area included within the site  
10   plan for this permit to sell alcoholic beverages on the premises will not be adversely  
11   affected; and

12              WHEREAS, said site plan together with the terms and conditions  
13   hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
14   Municipal Code to promote the public health, safety, and general welfare.

15              NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster  
16   County Planning Commission of Lincoln, Nebraska:

1           That the application of B&J Partnership, hereinafter referred to as  
2     "Permittee", to sell alcoholic beverages for consumption on the premises on property  
3     legally described above be and the same is hereby granted under the provisions of  
4     Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said  
5     licensed premises be in strict compliance with said application, the site plan, and the  
6     following additional express terms, conditions, and requirements:

7           1.     This permit approves the sale of alcoholic beverages for  
8     consumption on the premises in suites F, G, H, and I only.

9           2.     Before receiving building permits the Permittee must submit six  
10    copies of the site plan for review and approval by the Planning Department.

11          3.     Before the sale of alcohol for consumption on the premises, all  
12    development and construction must conform to the approved plans.

13          4.     The site plan approved by this permit shall be the basis for all  
14    interpretations of setbacks, yards, locations of buildings, location of parking and  
15    circulation elements, and similar matters.

16          5.     The terms, conditions, and requirements of this resolution shall be  
17    binding and obligatory upon the Permittee, and Permittee's successors, and assigns.  
18    The building official shall report violations to the City Council which may revoke the  
19    special permit or take such other action as may be necessary to gain compliance.

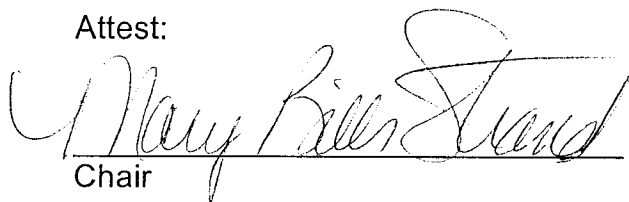
20          6.     The Permittee shall sign and return the City's letter of acceptance  
21    to the City Clerk within 30 days following approval of the special permit, provided,  
22    however, said 30-day period may be extended up to six months by administrative  
23    amendment. The City Clerk shall file a copy of the resolution approving the special



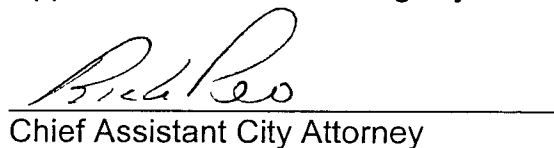
- 1 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
- 2 paid in advance by the Permittee.

*DATED: March 16, 2005*

Attest:


  
Chair

Approved as to Form & Legality:

  
Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** March 23, 2005

**RE :** **Special Permit No. 04069, Whitetail Run Community Unit Plan**  
(NW of the intersection of S.W. 14<sup>th</sup> Street and W. Bennet Road)  
**Resolution No. PC-00909**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 16, 2005:

Motion made by Larson, seconded by Carroll, to approve **Special Permit No. 04069, Whitetail Run Community Unit Plan**, with conditions, as amended, requested by Full House, L.L.C., for authority to develop nine residential acreage units, on the Acreage Development Component designed for future conversion to a higher density of approximately 454 dwelling units, with requested waivers of the required yard setbacks, minimum lot area, ornamental lighting, sidewalks, street trees, landscape screens, block length, and county horizontal curve, on property located northwest of the intersection of S.W. 14<sup>th</sup> Street and W. Bennet Road.

Motion to approve, with conditions, as amended, carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Brian D. Carstens & Associates, 601 Old Cheney Road, Suite C, 68512  
Full House, LLC, P.O. Box 23167, 68542

---

RESOLUTION NO. PC- 00909

SPECIAL PERMIT NO. 04069

1               WHEREAS, Full House L.L.C. has submitted an application designated as  
2       Special Permit No. 04069 for authority to develop Whitetail Run Community Unit Plan for 9  
3       acreage residential lots on the Acreage Development Component designed for future  
4       conversion to a higher density as shown on the transitional plat and an Urban Reserve  
5       Component designed for future platting in accordance with the Master Plan to a density of  
6       approximately 454 dwelling units, with requested waivers of the required yard setbacks,  
7       minimum lot area, ornamental lighting, sidewalks, street trees, landscape screens, block length,  
8       and county horizontal curve, on property located northwest of the intersection of S.W. 14th  
9       Street and W. Bennet Road, and legally described as:

10              Lot 2, Hatleys Subdivision located in the Southwest Quarter of  
11              Section 3, Township 8 North, Range 6 East of the 6th P.M.,  
12              Lancaster County, Nebraska;

13              WHEREAS, the requested waivers of ornamental lighting, sidewalks, street  
14       trees, and landscape screens are no longer necessary as Ordinance No. 18456 eliminated the  
15       requirement that said improvements be installed in subdivision located outside the City limits  
16       where all lots contain an area of one or more acres; and

17              WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
18       public hearing on said application; and

1               WHEREAS, the community as a whole, the surrounding neighborhood, and the  
2     real property adjacent to the area included within the site plan for this community unit plan will  
3     not be adversely affected by granting such a permit; and

4               WHEREAS, said site plan together with the terms and conditions hereinafter set  
5     forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and  
6     purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and  
7     general welfare; and

8               NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
9     Planning Commission of Lincoln, Nebraska:

10              That the above-described application of Full House L.L.C., hereinafter referred to  
11     as "Permittee", to develop Whitetail Run Community Unit Plan, be and the same is hereby  
12     granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal  
13     Code upon condition that construction of said development be in strict compliance with said  
14     application, the site plan, and the following additional express terms, conditions, and require-  
15     ments.

16              1.     This permit approves:

- 17                   a.     Nine dwelling units on the Acreage Development Component to be  
18                         converted to a higher density in accordance with the transitional plat and  
19                         an Urban Reserve Component to be platted in accordance with the  
20                         Master Plan to a density of approximately 454 dwelling units. The  
21                         Acreage Development Component is to be converted to higher density  
22                         and the Urban Reserve platted at such time as sanitary sewer and water  
23                         are extended to serve said components, the components are annexed by  
24                         the City of Lincoln and rezoned as provided in Lincoln Municipal Code  
25                         Chapter 27.65.
- 26                   b.     A waiver of the requirement in Lincoln Municipal code § 26.23.130 that  
27                         block length not exceed 1,320 feet between cross streets due to the rural  
28                         nature of this development.
- 29                   c.     A waiver of the requirement in Lincoln Municipal Code § 27.07.080 that  
30                         lots have a minimum lot area of 20 acres to allow the clustering of three  
31                         acre lots.

1           2.       If any final plat on all or a portion of the approved community unit plan is  
2 submitted five (5) years or more after the approval of the community unit plan, the city may  
3 require that a new community unit plan be submitted, pursuant to all the provisions of section  
4 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design  
5 standards, or the required improvements have been amended by the city; and as a result, the  
6 community unit plan as originally approved does not comply with the amended rules and  
7 regulations.

8           3.       The Planning Director may approve final plats after the Permittee has signed an  
9 agreement that binds the Permittee and Permittee's successors and assigns:

- 10           a.       To complete the surfacing of private roadway, and temporary turnarounds  
11                      and barricades located at the temporary dead-end of the private  
12                      roadways shown on the final plat within two (2) years following the  
13                      approval of this final plat.
- 14           b.       To complete land preparation including storm water detention/retention  
15                      facilities and open drainageway improvements to serve this plat prior to  
16                      the installation of utilities and improvements but not more than two (2)  
17                      years following the approval of the final plat
- 18           c.       To complete the installation of the street name signs within two (2) years  
19                      following the approval of the final plat.
- 20           d.       To timely complete any other public or private improvement or facility  
21                      required by Chapter 26.23 (Development Standards) of the Land  
22                      Subdivision Ordinance which have not been waived but which  
23                      inadvertently may have been omitted from the above list of required  
24                      improvements.
- 25           e.       To submit to the Director of Public Works a plan showing proposed  
26                      measures to control sedimentation and erosion and the proposed method  
27                      to temporarily stabilize all graded land for approval.
- 28           f.       To complete the public and private improvements shown on the  
29                      Community Unit Plan.
- 30           g.       To maintain the outlots and private improvements on a permanent and  
31                      continuous basis; to maintain the plants in the medians and islands on a  
32                      permanent and continuous basis; and to properly and continuously  
33                      maintain and supervise the private facilities which have common use or  
34                      benefit and to recognize that there may be additional maintenance issues  
35                      or costs associated providing for the proper functioning of storm water  
36                      detention/retention facilities as they were designed and constructed within  
37                      the development and that these are the responsibilities of the Subdivider.

- 1 h. To agree to subdivide the Acreage Development Component as shown  
2 on the transitional plat and to agree to implement the Master Plan for  
3 future development of the Urban Reserve Component to a density of  
4 about 454 dwellings when sanitary sewer and water are extended to  
5 serve the Acreage Development Component and Urban Reserve  
6 Component and the Acreage Development Component and Urban  
7 Reserve Component are annexed and rezoned. Said agreement to  
8 include provisions regarding the timing of annexation conversion of the  
9 Acreage Development Component, final platting of the Urban Reserve  
10 Component, establishing a plan for funding infrastructure costs for  
11 conversion of the Acreage Development Component and implementation  
12 of the Master Plan for the urban Reserve Component or petitioning for  
13 creation of special assessment districts for the installation of  
14 infrastructure improvements if not installed by the Permittee at the  
15 Permittee's own cost and expense, and incorporating said provisions into  
16 deed restrictions to be reviewed and approved by the City Attorney and  
17 filed of record with the Register of Deeds.  
18
- 19 i. To submit to the lot buyers and home builders a copy of the soil analysis.
- 20 j. To pay all design, engineering, labor, material, inspection, and other  
21 improvement costs except those cost the City Council specifically  
22 subsidizes as follow:
- 23 k. To comply with the provisions of the Land Preparation and Grading  
24 requirements of the Land Subdivision Ordinance.
- 25 l. To protect the trees that are indicated to remain during construction and  
26 development.
- 27 m To retain ownership of and the right of entry to the outlots in order to  
28 perform the above-described maintenance of the outlots and private  
29 improvements on a permanent and continuous basis. However,  
30 Subdivider may be relieved and discharged of such maintenance  
31 obligation upon creating in writing a permanent and continuous  
32 association of property owners who would be responsible for said  
33 permanent and continuous maintenance subject to the following  
34 conditions:
- 35 i. Subdivider shall not be relieved of Subdivider's maintenance  
36 obligation for each specific private improvement until a register  
37 professional engineer or nurseryman who supervised the  
38 installation of said private improvement has certified to the City  
39 that the improvement has been installed in accordance with the  
40 approved plans; and
- 41 ii. The maintenance agreements are incorporated into covenants  
42 and restrictions in deed to the subdivided property and the

documents creating the association and the restricted covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

n. To relinquish the right of direct vehicular access to S. W. 14<sup>th</sup> Street except for W. Bannertail Lane, the existing farm access and a future road at the ½ section line.

o. To maintain County roads until the County Board specifically accepts the maintenance.

p. To submit to all potential purchasers of lots a copy of the ground water report.

4. Before receiving building permits:

a. The permittee shall submit a revised plan including five copies to the Planning Department office for review and approval showing the corrections requested by the Public Works & Utilities memo of February 7, 2005.

b. The construction plans must conform to the approved plans.

c. Final plat(s) is/are approved by the City/County.

d. The required easements as shown on the site plan are recorded with the Register of Deeds.

e. The City approves Whitetail Run Preliminary Plat No. 04031.

f. The County Board approves Whitetail Run Preliminary Plat # 04032, County Special Permit No. 040770, a waiver to the Land Subdivision Resolution requiring sidewalks, street lights, landscape screen, and street trees, and a modification of the Land Subdivision Resolution to permit a block length in excess of 1,320 feet along the north, south, east and west perimeter of this subdivision.

5. Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.

6. Before occupying these dwellings City/County Health Department is to approve the water and waste water systems.

7. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

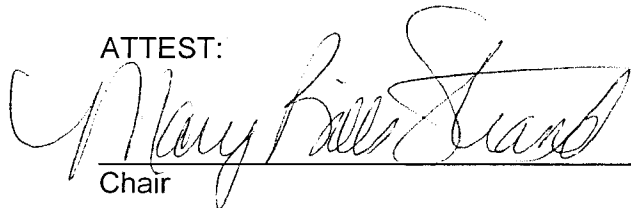
1           8.       The site plan accompanying this permit shall be the basis for all interpretations of  
2 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
3 matters.

4           9.       This resolution's terms, conditions, and requirements bind and obligate the  
5 Permittee, its successors and assigns.

6           10.      The applicant shall sign and return the letter of acceptance to the City Clerk  
7 within 30 days following the approval of the special permit, provided, however, said 30-day  
8 period may be extended up to six months by administrative amendment. The clerk shall file a  
9 copy of the resolution approving the special permit and the letter of acceptance with the  
10 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

11                   The foregoing Resolution was approved by the Lincoln City-Lancaster County  
12 Planning Commission on this 16th day of March, 2005.

ATTEST:

  
Chair


Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney



**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** March 23, 2005

**RE :** **Preliminary Plat No. 04031 - Whitetail Run**  
(NW of the intersection of S.W. 14<sup>th</sup> Street and W. Bennet Road)  
**Resolution No. PC-00910**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 16, 2005:

Motion made by Carroll, seconded by Carlson, to approve **Preliminary Plat No. 04031, Whitetail Run**, with conditions, as amended, requested by Fred Groshans d/b/a Full House, LLC, for nine residential acreage lots, including a request to waive Land Subdivision Ordinance requirements regarding minimum lot area, ornamental lighting, sidewalks, street trees, landscape screens, block length and county horizontal curve, generally located northwest of the intersection of S.W. 14<sup>th</sup> Street and W. Bennet Road.

Motion for approval with conditions, as amended, carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Brian D. Carstens & Associates, 601 Old Cheney Road, Suite C, 68512  
Full House, LLC, P.O. Box 23167, 68542

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RESOLUTION NO. PC- 00910

1 WHEREAS, Fred Groshans dba Full House LLC has submitted the preliminary  
2 plat of Whitetail Run Addition for acceptance and approval together with a request pursuant to  
3 Section 26.31.010 of the Lincoln Municipal Code to waive Land Subdivision Ordinance  
4 requirements regarding minimum lot area, ornamental lighting, sidewalks, street trees,  
5 landscape screens, block length, and county horizontal curve; and

6 WHEREAS, the Planning Director has recommended conditional approval of  
7 said preliminary plat; and

8 WHEREAS, the requested waivers of ornamental lighting, sidewalks, street  
9 trees, and landscaping are no longer necessary as Ordinance No. 18456 eliminated the  
10 requirement that said improvements be installed in subdivisions located outside the City limits  
11 where all lots contain an area of one or more acres; and

12 WHEREAS, the waiver of the County horizontal curve is not needed for approval  
13 of the City's preliminary plat.

14 WHEREAS, the Planning Director has recommended approval of the remaining  
15 requested waivers; and

16 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
17 Planning Commission that the preliminary plat of Whitetail Run Addition, located generally  
18 northwest of the intersection of S.W. 14th Street and W. Bennet Road as submitted by Fred  
19 Groshans is hereby accepted and approved, subject to the following terms and conditions:

- 20 1. Make the corrections requested by the Public Works and Utilities memo of  
21 February 7, 2005.
- 22 2. The County Board approves associated requests:
  - 23 a. County Preliminary Plat # 04032, County Special Permit # 04070.

- 1                   b.     A waiver to the sidewalk, street paving, street lights, landscape screen,  
2                   and street tree requirements in the County Land Subdivision Resolution.
- 3                   c.     A modification to the requirements of the County Land Subdivision  
4                   Resolution to permit a block length in excess of 1320' along the north,  
5                   south, east and west perimeter of this subdivision.
- 6                 3.     The City approves Special Permit No. 04069.
- 7                 4.     The Planning Director may approve final plats after the Permittee has signed an  
8                 agreement that binds the Permittee and Permittee's successors and assigns:
- 9                   a.     To complete the surfacing of private roadway, and temporary turnarounds  
10                  and barricades located at the temporary dead-end of the private  
11                  roadways shown on the final plat within two (2) years following the  
12                  approval of this final plat.
- 13                  b.     To complete land preparation including storm water detention/retention  
14                  facilities and open drainageway improvements to serve this plat prior to  
15                  the installation of utilities and improvements but not more than two (2)  
16                  years following the approval of the final plat
- 17                  c.     To complete the installation of the street name signs within two (2) years  
18                  following the approval of the final plat.
- 19                  d.     To timely complete any other public or private improvement or facility  
20                  required by Chapter 26.23 (Development Standards) of the Land  
21                  Subdivision Ordinance which have not been waived but which  
22                  inadvertently may have been omitted from the above list of required  
23                  improvements.
- 24                  e.     To submit to the Director of Public Works a plan showing proposed  
25                  measures to control sedimentation and erosion and the proposed method  
26                  to temporarily stabilize all graded land for approval.
- 27                  f.     To complete the public and private improvements shown on the  
28                  Community Unit Plan.
- 29                  g.     To maintain the outlots and private improvements on a permanent and  
30                  continuous basis; to maintain the plants in the medians and islands on a  
31                  permanent and continuous basis; and to properly and continuously  
32                  maintain and supervise the private facilities which have common use or  
33                  benefit and to recognize that there may be additional maintenance issues  
34                  or costs associated providing for the proper functioning of storm water  
35                  detention/retention facilities as they were designed and constructed within  
36                  the development and that these are the responsibilities of the Subdivider.

- 1 h. To agree to subdivide the Acreage Development Component as shown  
2 on the transitional plat and to agree to implement the Master Plan for  
3 future development of the Urban Reserve Component to a density of  
4 about 454 dwellings when sanitary sewer and water are extended to  
5 serve the Acreage Development Component and Urban Reserve  
6 Component and the Acreage Development Component and Urban  
7 Reserve Component are annexed and rezoned. Said agreement to  
8 include provisions regarding the timing of annexation conversion of the  
9 Acreage Development Component, final platting of the Urban Reserve  
10 Component, establishing a plan for funding infrastructure costs for  
11 conversion of the Acreage Development Component and implementation  
12 of the Master Plan for the urban Reserve Component or petitioning for  
13 creation of special assessment districts for the installation of  
14 infrastructure improvements if not installed by the Permittee at the  
15 Permittee's own cost and expense, and incorporating said provisions into  
16 deed restrictions to be reviewed and approved by the City Attorney and  
17 filed of record with the Register of Deeds.  
18
- 19 i. To submit to the lot buyers and home builders a copy of the soil analysis.
- 20 j. To pay all design, engineering, labor, material, inspection, and other  
21 improvement costs except those cost the City Council specifically  
22 subsidizes as follow:
- 23 k. To comply with the provisions of the Land Preparation and Grading  
24 requirements of the Land Subdivision Ordinance.
- 25 l. To protect the trees that are indicated to remain during construction and  
26 development.
- 27 m. To retain ownership of and the right of entry to the outlots in order to  
28 perform the above-described maintenance of the outlots and private  
29 improvements on a permanent and continuous basis. However,  
30 Subdivider may be relieved and discharged of such maintenance  
31 obligation upon creating in writing a permanent and continuous  
32 association of property owners who would be responsible for said  
33 permanent and continuous maintenance subject to the following  
34 conditions:
- 35 i. Subdivider shall not be relieved of Subdivider's maintenance  
36 obligation for each specific private improvement until a register  
37 professional engineer or nurseryman who supervised the  
38 installation of said private improvement has certified to the City  
39 that the improvement has been installed in accordance with the  
40 approved plans; and
- 41 ii. The maintenance agreements are incorporated into covenants  
42 and restrictions in deed to the subdivided property and the  
43 documents creating the association and the restricted covenants

1 have been reviewed and approved by the City Attorney and filed  
2 of record with the Register of Deeds.

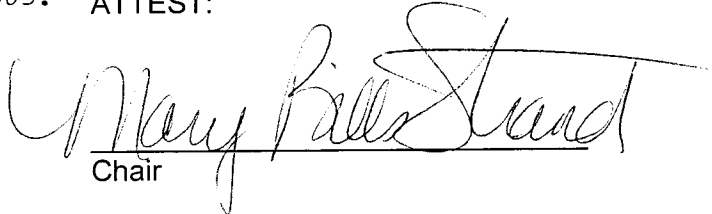
- 3 n. To relinquish the right of direct vehicular access to S. W. 14<sup>th</sup> Street  
4 except for W. Bannertail Lane, the existing farm access and a future road  
5 at the ½ section line.  
6  
7 o. To maintain County roads until the County Board specifically accepts the  
8 maintenance.  
9  
10 p. To submit to all potential purchasers of lots a copy of the ground water  
report.

11 BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning  
12 Commission finds that the tract to be subdivided is surrounded by such development or unusual  
13 conditions that strict application of the subdivision requirements would result in actual difficulties  
14 or substantial hardship and the following modifications to the Land Subdivision Ordinance  
15 requirements are therefore approved:


16 1. The requirement of Section 26.23.130 of the Lincoln Municipal Code that  
17 block lengths shall not exceed 1,320 feet is waived to allow the block length to exceed 1,320  
18 feet for those streets shown on the preliminary plat which exceed 1,320 feet between  
19 intersections.

20 2. The requirement of Section 27.07.080 of the Lincoln Municipal Code that  
21 lots have a minimum lot area of 20 acres is waived to allow the clustering of three acres lots.

DATED: March 16, 2005. ATTEST:

  
Chair

Approved as to Form & Legality:

  
Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning

**DATE :** March 23, 2005

**RE :** **Special Permit No. 05002, Foreman Ridge Addition Community Unit Plan**  
(East of S.W. 12<sup>th</sup> Street and south of W. Denton Road)  
**Resolution No. PC-00912**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 16, 2005:

Motion made by Larson, seconded by Marvin, to approve **Special Permit No. 05002, Foreman Ridge Addition Community Unit Plan**, with conditions, as amended, requested by Dolores Y. Foreman and Kimberly A. Munnis, for authority to develop 29 residential lots, designed for future conversion to a higher density, with requested waivers of the required sidewalks, street trees, street lighting, landscape screens, block length, the preliminary plat process, non-perpendicular lot lines, lot depth to width ratio and sewer flow opposite street grade, on property located east of S.W. 12<sup>th</sup> Street and south of W. Denton Road.

Motion to approve, with conditions, as amended, carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Brian D. Carstens & Associates, 601 Old Cheney Road, Suite C, 68512  
Gary Pickering, 8001 S. 13<sup>th</sup> Street, 68512  
Dolores Foreman, c/o Union Bank & Trust, P.O. Box 82535, 68501  
Kimberly Munnis, Co-Trustee, c/o Union Bank & Trust, P.O. Box 82535, 68501

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RESOLUTION NO. PC- 00912

SPECIAL PERMIT NO. 05002

1               WHEREAS, Dolores Y. Foreman and Kimberly A. Munnis have submitted an  
2 application designated as Special Permit No. 05002 for authority to develop Foreman Ridge  
3 Addition Community Unit Plan for 29 residential lots designed for future conversion to a higher  
4 density as shown on the transitional plat, with requested waivers of the required sidewalks,  
5 street trees, street lighting, landscape screens, block length, the preliminary plat process, non-  
6 perpendicular lot lines, lot depth to width ratio, and sewer flow opposite street grade on property  
7 located east of S.W. 12th Street and south of W. Denton Road, and legally described as:

8               Lot 1, Foreman Ridge; located in Section 21, Township 9 North,  
9               Range 6 East of the 6th P.M., Lancaster County, Nebraska;

10              WHEREAS, the requested waivers of the required sidewalks, street trees, street  
11 lighting, and landscape screens are not necessary as Ordinance No. 18456 eliminated the  
12 requirement for the installation of said improvements for subdivisions located outside the City  
13 limits where all lots contain an area of one or more acres; and

14              WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
15 public hearing on said application; and

16              WHEREAS, the community as a whole, the surrounding neighborhood, and the  
17 real property adjacent to the area included within the site plan for this community unit plan will  
18 not be adversely affected by granting such a permit; and

1 WHEREAS, said site plan together with the terms and conditions hereinafter set  
2 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and  
3 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and  
4 general welfare; and

5 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
6 Planning Commission of Lincoln, Nebraska:

7 That the application of Dolores Y. Foreman and Kimberly A. Munnis, hereinafter  
8 referred to as "Permittee", to develop Foreman Ridge Addition Community Unit Plan as  
9 described above be and the same is hereby granted under the provisions of Section 27.63.320  
10 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said  
11 development be in strict compliance with said application, the site plan, and the following  
12 additional express terms, conditions, and requirements:

13 1. This approval permits:

- 14 a. 29 dwelling units to be converted to a higher density in accordance with  
15 the transitional plat at such time as sanitary sewer and water are  
16 extended to serve the community unit plan, the area is annexed by the  
17 City of Lincoln and rezoned as provided in Lincoln Municipal Code  
18 Chapter 27.65.
- 19 b. A waiver of Lincoln Municipal Code § 26.11.032 requiring a preliminary  
20 plat for this subdivision provided that if any final plat on all or a portion of  
21 the approved community unit plan is submitted five (5) years or more  
22 after the approval of the community unit plan, the city may require that a  
23 new community unit plan be submitted, pursuant to all the provisions of  
24 section 26.31.015. A new community unit plan may be required if the  
25 subdivision ordinance, the design standards, or the required  
26 improvements have been amended by the city; and as a result, the  
27 community unit plan as originally approved does not comply with the  
28 amended rules and regulations.
- 29 c. A waiver of Lincoln Municipal Code § 26.23.130 to allow block lengths to  
30 exceed 1,320 feet between intersecting streets.
- 31 d. A waiver of Lincoln Municipal Code § 26.23.140(c) to allow lot lines which  
32 are not perpendicular to the street.
- 33 e. A waiver of Lincoln Municipal Code § 26.23.140(a) to allow lots to exceed  
34 the maximum lot depth to width ratio.



- 1 f. A waiver of § 3.6 of the Sanitary Sewer Design Standards to allow  
2 sanitary sewer to flow opposite the slope of the street.

3 3. The Planning Director may approve final plats of the Acreage Development  
4 Component of the community unit plan after Permittee signs an agreement which binds the  
5 Permittee and Permittee's successors and assigns:

- 6 a. To complete the street surfacing of public streets, and temporary  
7 turnarounds and barricades located at the temporary dead-end of the  
8 streets shown on the final plat within two (2) years following the approval  
9 of this final plat.
- 10 b. To complete the surfacing of private roadway, and temporary turnarounds  
11 and barricades located at the temporary dead-end of the private  
12 roadways shown on the final plat within two (2) years following the  
13 approval of this final plat.
- 14 c. To complete the sanitary sewer and private waste water treatment facility  
15 shown to serve this plat within two (2) years following the approval of the  
16 final plat.
- 17 d. To complete land preparation including storm water detention/retention  
18 facilities and open drainageway improvements to serve this plat prior to  
19 the installation of utilities and improvements but not more than two (2)  
20 years following the approval of the final plat
- 21 e. To complete the installation of the street name signs within two (2) years  
22 following the approval of the final plat.
- 23 f. To timely complete any other public or private improvement or facility  
24 required by Chapter 26.23 (Development Standards) of the Land  
25 Subdivision Ordinance which has not been waived but which  
26 inadvertently may have been omitted from the above list of required  
27 improvements.
- 28 g. To submit to the Director of Public Works a plan showing proposed  
29 measures to control sedimentation and erosion and the proposed method  
30 to temporarily stabilize all graded land for approval.
- 31 h. To complete the public and private improvements shown on the  
32 Community Unit Plan.
- 33 i. To maintain the outlots and private improvements on a permanent and  
34 continuous basis and to maintain the plants in the medians and islands  
35 on a permanent and continuous basis. To properly and continuously  
36 maintain and supervise the private facilities which have common use or  
37 benefit, and to recognize that there may be additional maintenance  
38

1 issues or costs associated with providing for the proper functioning of  
2 storm water detention/retention facilities as they were designed and  
3 constructed within the development, and that these are the responsibility  
4 of the Subdivider.

5 j. To agree to subdivide the Acreage Development Component as shown  
6 on the transitional plat when sanitary sewer and water are extended to  
7 serve the Community Unit Plan and the area is annexed and rezoned.  
8 Said agreement to include provisions regarding the timing of annexation,  
9 conversion of the Acreage Development Component, establishing a plan  
10 for funding infrastructure costs for conversion of the Acreage  
11 Development Component, petitioning for creation of special assessment  
12 districts for the installation of infrastructure improvements if not installed  
13 by the Permittee at the Permittee's own cost and expense, and  
14 incorporating said provisions into deed restrictions to be reviewed and  
15 approved by the City Attorney and filed of record with the Register of  
16 Deeds.

17  
18 k. To submit to the lot buyers and home builders a copy of the soil analysis.

19 l. To comply with the provisions of the Land Preparation and Grading  
20 requirements of the Land Subdivision Ordinance.

21 m. To protect the trees that are indicated to remain during construction and  
22 development.

23 n. To relinquish the right of direct vehicular access to S. W. 12<sup>th</sup> Street  
24 except for West Foreman Drive.

25  
26 o. To maintain County roads until the County Board specifically accepts the  
27 maintenance.

28 p. To submit to all potential purchasers of lots a copy of the ground water  
29 report.

30 q. To retain ownership of and the right of entry to the outlots in order to  
31 perform the above-described maintenance of the outlots and private  
32 improvements on a permanent and continuous basis. However,  
33 Permittee as subdivider may be relieved and discharged of such  
34 maintenance obligations upon creating in writing a permanent and  
35 continuous association of property owners who would be responsible for  
36 said permanent and continuous maintenance subject to the following  
37 conditions:

38 i. Subdivider shall not be relieved of Subdivider's maintenance  
39 obligation for each specific private improvement until a register  
40 professional engineer or nurseryman who supervised the  
41 installation of said private improvement has certified to the City  
42 that the improvement has been installed in accordance with  
43 approved plans.

1                   ii.     The maintenance agreements are incorporated into covenants  
2                   and restrictions in deeds to the subdivided property and the  
3                   documents creating the association and the restrictive covenants  
4                   have been reviewed and approved by the City Attorney and filed  
5                   of record with the Register of Deeds.

6                   r.     To provide a bond, escrow, or security agreement approved by the City  
7                   Law Department in an amount sufficient to guarantee completion of the  
8                   improvements required by Chapter 26.23 of the Land Subdivision  
9                   Ordinance.

10           5.     Before receiving building permits:

11           a.     The Permittee shall submit a revised site plan and five copies to the  
12           Planning Department office for review and approval.

13                   i.     Make the revisions noted in the County Engineers memo of  
14                   February 25, 2005.

15                   ii.    Make the revisions in the Public Works memo.

16                   iii.   Note the purpose of Outlot "C".

17                   iv.    Revise Note #3 to reference the community sewer system.

18                   v.     Amend Note #7 to reflect the "Rural Public and Intermediate  
19                   BTA Standard" and the City of Lincoln.

20                   vi.    Add a note that the Acreage Development Component is  
21                   designed for future platting to a density of about 76 dwellings  
22                   in accordance with the transitional plat.

23                   vii.   Revise Note # 5 to remove the statement, "Lagoons shall not  
24                   be prohibited if a septic system can not be approved".

25                   viii.   Show grading for the future private roads.

26                   ix.    Provide a drainage easement along the creek.

27                   x.     Show the easements requested by Norris Public Power.

28                   xi.    Show the petroleum pipeline easement.

29                   xii.   A permanent final plan with 5 copies as approved.

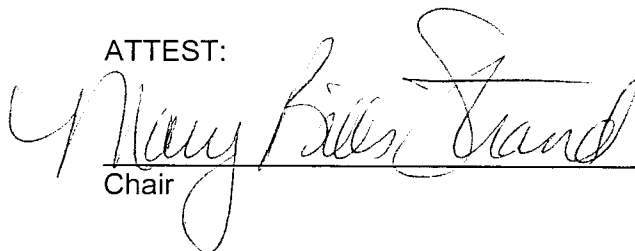
30           b.     The construction plans comply with the approved plans.  
31

- 1 c. Final plat(s) is/are approved by the City.
- 2 d. The required easements as shown on the site plan are recorded with the
- 3 Register of Deeds.
- 4
- 5 6. Before occupying this Community Unit Plan all development and construction is
- 6 to comply with the approved plans.
- 7 7. Before occupying these dwellings City/County Health Department is to approve
- 8 the water and waste water systems.
- 9 8. All privately-owned improvements, including landscaping and recreational
- 10 facilities, are to be permanently maintained by the owner or an appropriately established
- 11 homeowners association approved by the City.
- 12 9. The site plan accompanying this permit shall be the basis for all interpretations of
- 13 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
- 14 matters.
- 15 10. This resolution's terms, conditions, and requirements bind and obligate the
- 16 Permittee, its successors and assigns.
- 17 11. The applicant shall sign and return the letter of acceptance to the City Clerk
- 18 within 30 days following the approval of the special permit, provided, however, said 30-day
- 19 period may be extended up to six months by administrative amendment. The clerk shall file a
- 20 copy of the resolution approving the special permit and the letter of acceptance with the
- 21 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

22 The foregoing Resolution was approved by the Lincoln City-Lancaster County

23 Planning Commission on this 16 day of March, 2005.

ATTEST:

  
Chair

Approved as to Form & Legality:

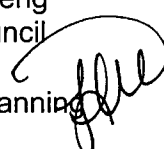


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Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** March 23, 2005

**RE :** **Preliminary Plat No. 04011 - Waterford Estates**  
(East and west of N. 98<sup>th</sup> Street from Holdrege to "O" Streets)  
**Resolution No. PC-00913**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 16, 2005:

Motion made by Larson, seconded by Carroll, to approve **Preliminary Plat No. 04011, Waterford Estates**, with conditions, as amended, requested by Richard, Daniel, Mark and Thomas Meginnis, Ridge Development Company and Southview, Inc., for 660 residential lots and one lot for a future school, including a request to waive Land Subdivision Ordinance and City of Lincoln Design Standard requirements requiring the submittal of a use permit on the B-2 parcels with the preliminary plat; prohibiting the transfer of sanitary sewer from one basin to another by a lift station; requiring lot lines to be perpendicular to rights-of-way; prohibit sanitary sewers to flow opposite street grades; prohibiting block lengths to exceed 1,320 feet; prohibiting sanitary sewers to exceed a maximum depth of 15'; requiring a minimum lot depth to width ratio for Outlots D, E and H; requiring a pedestrian easement in Block 9; and requiring the protection of minimum floor corridors, on property generally located east and west of North 98<sup>th</sup> Street from Holdrege to "O" Streets.

Motion for approval with conditions, as amended, carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

**cc:** Building & Safety  
Rick Peo, City Attorney  
Public Works  
Kent Seacrest, 1111 Lincoln Mall, #350, 68508  
Ridge Development Company and Southview, Inc., 3355 Orwell, #100, 68516  
Meginnis Farm Joint Venture, 238 S. 13<sup>th</sup>, 68508  
SWR Investments, LLC, 445 N. 66<sup>th</sup>, 68505  
Dan Howe, 1001 N. 92<sup>nd</sup> Street, 68505  
Steve Bussey, 1001 N. 88<sup>th</sup> Street, 68505  
Stan Berlowitz, 9300 East Avon Lane, 68505  
Jeff Rhone, 9400 East Avon Lane, 68505

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RESOLUTION NO. PC- 00913

1 WHEREAS, Richard, Daniel, Mark and Thomas McGinnis, and Ridge  
2 Development Company and Southview Inc. have submitted the preliminary plat of Waterford  
3 Estates Addition for acceptance and approval together with a request pursuant to Section  
4 26.31.010 of the Lincoln Municipal Code to waive Land Subdivision Ordinance and City of  
5 Lincoln Design Standard requirements requiring the submittal of a use permit on the B-2  
6 parcels with the preliminary plat, prohibiting the transfer of sanitary sewer from one basin to  
7 another by a lift station, requiring lot lines to be perpendicular to rights-of-way, prohibit sanitary  
8 sewers to flow opposite street grades, prohibiting block lengths to exceed 1, 320 feet,  
9 prohibiting sanitary sewers to exceed a maximum depth of 15', requiring a minimum lot depth to  
10 width ratio for Outlots D, E, and H, requiring a pedestrian easement in Block 9, and requiring  
11 the protection of minimum flood corridors; and

12 WHEREAS, the Planning Director has recommended conditional approval of  
13 said preliminary plat as contained in the staff report prepared by Becky Horner, dated March 3,  
14 2005, which report is attached hereto as Exhibit "A"; and

15 WHEREAS, the requested waiver to allow blocks to exceed 1,320 feet between  
16 intersecting streets is not necessary as the blocks which exceed that length are allowed by  
17 Lincoln Municipal Code § 26.23.130 as one boundary of the block is formed by a major road or  
18 natural barrier; and

19 WHEREAS, the Planning Director has recommended approval of the remaining  
20 requested waivers; and

21 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
22 Planning Commission that the preliminary plat of Waterford Estates Addition, located generally  
23 east and west of N. 98th Street from Holdrege to O Streets as submitted by Richard, Daniel,

1 Mark and Thomas McGinnis, and Ridge Development Company and Southview Inc. is hereby  
2 accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is  
3 attached hereto and made a part of this resolution as though fully set forth verbatim.

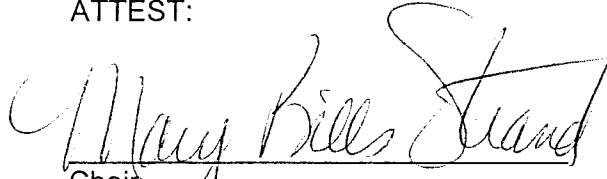
4 BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning  
5 Commission finds that the tract to be subdivided is surrounded by such development or unusual  
6 conditions that strict application of the subdivision requirements would result in actual difficulties  
7 or substantial hardship and the following modifications to the Land Subdivision Ordinance  
8 requirements are therefore approved:

- 9 a. The requirement of Lincoln Municipal Code § 26.11.032 that when a use  
10 permit is required such application shall accompany the filing of a  
11 preliminary plat is waived to delay the submittal of a use permit on the B-2  
12 parcels.
- 13 b. The requirement of § 2.1 of the Sanitary Sewer Design Standards  
14 prohibiting the transfer of wastewater from one watershed to another by  
15 any means is waived to allow the transfer of sanitary sewer by lift station  
16 from one basin to another.
- 17 c. The requirement of Lincoln Municipal Code § 26.23.140(c) requiring lot  
18 lines to be at right angles to the street is waived for those lots shown in  
19 the preliminary plat which are not perpendicular to the right-of-way.
- 20 d. The requirement of § 3.6 of the Sanitary Design Standards providing that  
21 the slope of the sanitary sewer shall be parallel to the slope of the street  
22 and that the maximum depth of the sanitary sewer shall not exceed 15  
23 feet is waived to allow the sanitary sewer to flow opposite street grades  
24 and to exceed the maximum depth of 15 feet but not to exceed a  
25 maximum depth of 20 feet.
- 26 e. The requirement of Lincoln Municipal Code § 26.23.140 requiring a  
27 minimum lot width to depth ratio is waived for Outlots D, E, and H as  
28 shown on the preliminary plat.
- 29 f. The requirement of Lincoln Municipal Code § 26.23.125 requiring a  
30 pedestrian easement in Block 9 is waived to eliminate said easement.
- 31 g. The requirement of § 10.3 of the Drainage Criteria Manual prohibiting  
32 impacts to the minimum flood corridor is waived to allow impacts as  
33 described and approved in the February 25, 2005 memorandum from  
34 Devon Biesecker in the Department of Public Works and Utilities.



DATED: March 16, 2005.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
Chief Assistant City Attorney

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for March 16, 2005 PLANNING COMMISSION MEETING**

**\*\*As Revised and Approved by Planning Commission**  
**March 16, 2005\*\***

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**P.A.S.:** Annexation #04003, Change of Zone #04019, Waterford Estates Preliminary Plat #04011

**PROPOSAL:** To preliminary plat 660 residential lots and 1 lot for a future school, to change the zone from AG, Agricultural to R-3, Residential and B-2, Planned Neighborhood Commercial and to annex approximately 300 acres, more or less.

**LOCATION:** Generally located east and west of N. 98<sup>th</sup> Street from Holdrege to O Streets.

**WAIVER REQUEST:**

Delay the submittal of a use permit on the B-2 parcels.  
Allow temporarily the transfer of sanitary sewer from one basin to another by a lift station.  
Allow lot lines not perpendicular to rights of way.  
Allow sanitary sewer mains to flow opposite street grades.  
Allow block lengths to exceed 1,320'.  
Allow sanitary sewers to exceed maximum depth of 15' but not exceed 20'  
Waive the minimum lot depth to width ratio for Outlots D, E and H  
Eliminate the pedestrian easement in Block 9  
Waive drainage criterial in minimum flood corridors

**LAND AREA:** 300 acres, more or less.

**CONCLUSION:** In conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances and the newly adopted Temporary Pump Station Policy.

**RECOMMENDATION:**

<u>Annexation #04003</u>	<u>Conditional Approval</u>
<u>Change of Zone #04019</u>	<u>Approval</u>
<u>Preliminary Plat #04011</u>	<u>Conditional Approval</u>
Delay the submittal of a use permit on the B-2 parcels	Approval
Allow temporarily the transfer of sanitary sewer from one basin to another by a lift station	Approval
Allow lot lines not perpendicular to rights of way	Approval
Allow sanitary sewer mains to flow opposite street grades	Approval
Allow sanitary sewers to exceed maximum depth of 15' but not exceed 20'	Approval
Waive the minimum lot depth to width ratio for Outlots D and E	Approval
Waive the minimum lot depth to width ratio for Outlot H	Approval

ANX #04003, CZ #04019, PP #04011, Waterford Estates

Eliminate the pedestrian easement in Block 9	Approval
Waive drainage criterial in minimum flood corridors	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** AG, Agricultural.

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Acreages vacant	AG
South:	Acreages vacant	AG
East:	Acreages, vacant	AG
West:	Acreages, college	AG

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Urban Residential and Commercial in the Comprehensive Land Use Plan. A commerce center and light industrial center are shown generally near O Street and N. 98<sup>th</sup> Street.(F-25)

The area is shown within the future service limit in Tier 1, Priority A. (F-27)

"Maximize the community's present infrastructure investment by planning for residential...in areas with available capacity" by "encouraging...more dwelling units per acre in new neighborhoods" (F 17).

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population" (F-18).

"Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area; Similar housing types face each other: single family faces single family, change to different use at rear of lot; Parks and open space within walking distance of all residences; Multi-family and elderly housing nearest to commercial area; Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads; Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites)". (F-67)

"Require new development to be compatible with character of neighborhood and adjacent uses" (F 69).

"Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods" (F-17).

The ANNEXATION POLICY is found on pages F-154 and 155 of the Comprehensive Plan.

**HISTORY:** The area was zoned A-A, Rural and Public Use until 1979 when the zone was updated to AG, Agricultural.

ANX #04003, CZ #04019, PP #04011, Waterford Estates

**UTILITIES:** There is no public water main adjacent to this site. If the developer wants to proceed before the city constructs the water main it will be the developer's responsibility to pay for the construction. The city may reimburse the developer based on the Capital Improvement Program. 12" mains will be required in the development.

Sanitary sewer is not available to the area. The Stevens Creek trunk sewer is not scheduled to serve this area for several more years. The developer proposes to build a private temporary pump station and force main, which will conform to the newly adopted standards for temporary pump stations, to serve approximately 100 acres. The phasing plan is tied directly to the timing of available capacity and future extension of the trunk sewer main.

The developer will also build sections of the Stevens Creek sewer project on this property in advance of the larger project, which will temporarily tie to the pump station. The developer would be reimbursed for this expense at a later date based on the Capital Improvement Program.

**TOPOGRAPHY:** Rolling, with areas of floodplain. A flood control structure is proposed in the central-eastern portion of the plat to be constructed by the Lower Platte South Natural Resources District.

**TRAFFIC ANALYSIS:** Holdrege is classified as an urban minor arterial and the Comprehensive Plan shows it to be improved to a four-lane plus center turn lane west of N. 98<sup>th</sup> Street and two-lane plus center turn lane east of N. 98<sup>th</sup> Street. (F-103/105)

N. 98<sup>th</sup> Street is classified as an urban minor arterial and is shown to be improved to a four-lane plus center turn lane from O Street to Holdrege Street. (F-103/105)

O Street is classified as an urban principal arterial and is shown to be improved to six-lane plus center turn lane west of N. 98<sup>th</sup> Street and four-lane plus center turn lane east of N. 98<sup>th</sup> Street. (F-103/105) None of the streets are within the six-year CIP, the developer will be obligated for the construction of N. 98<sup>th</sup> Street if development precedes the City's Capital Improvement Program. The details of building this road improvement and any reimbursement through the CIP will need to be settled as part of the annexation agreement with the City Council.

A public bicycle trail is shown in the Comprehensive Plan and the site plan indicates that trail to extend along O Street, north on 98<sup>th</sup> Street, crossing N. 98<sup>th</sup> Street and extending north along the lake and crossing the dam structure and continuing north to Holdrege Street. Future grade separated crossings are identified north of O Street near N. 98<sup>th</sup> Street and at approximately N. 110<sup>th</sup> and Holdrege Streets. An unbuilt/proposed pedestrian center is identified at N. 98<sup>th</sup> and O Streets. (F-91)

**PUBLIC SERVICE:** The Fire Department indicated they do not have a fire station in the area in order to maintain their optimal level of service response time. They do not oppose the development, but wanted to make people aware that response times are getting to be close to or longer than 10 minutes in this area.

**REGIONAL ISSUES:** This area is shown for urban residential, however there is a pocket of existing acreages (shown as low-density residential in the Comprehensive Plan) to the west that will soon be completely surrounded by urban residential. The Sunrise Estates CUP is set up for future build-through so that there should eventually be more urban residential sized lots in that development and the two developments will have more compatible lot sizes if and when Sunrise Estates is further subdivided. Lots backing onto Sunrise Estates are shown to be approximately 8,500 square feet in area.

**ENVIRONMENTAL CONCERNS:** A portion of the site is within the floodplain. A flood control structure is planned by the Lower Platte South NRD in the middle of the site. The developer proposes to create additional flood storage in the NRD's lake in order to meet the stormwater detention requirements. The Lower Platte South NRD has been part of the review process of this plat due to the proposed flood control structure.

Some of the minimum flood corridors are impacted with this plat. The Watershed Management section of the Public Works and Utilities Department indicated that mitigation is required and must be submitted. The developer requested a waiver to allow these impacts and the Watershed Management section recommends approval to this waiver.

**ANALYSIS:**

1. This is a request to develop 660 residential lots and 1 lot for a future school, to change the zone from AG, Agricultural to R-3, Residential and B-2, Planned Neighborhood Commercial and to annex approximately 300 acres with several waivers as previously indicated.
2. The developer requests a waiver to allow block lengths to exceed the maximum 1320'. Blocks that abut a major road or natural feature, such as floodplain, lake or similar feature may exceed the maximum block lengths without the need for a waiver. There are no block lengths which exceed 1,320' that do not meet the criteria as allowed in the Subdivision Ordinance. Staff determined that a waiver is unnecessary.
3. The developer requests to waive drainage criterial in minimum flood corridors to allow impacts to the stream corridors. The Watershed Management section recommends approval to this waiver as indicated in their attached memo dated February 25, 2005.

4. Most of the lots are single family, however lots closer to the future commercial/industrial area are shown as single-family attached lots.
5. Outlots D and E are located in Blocks 5 and 7 for the purpose of avoiding the requirement to request a waiver to allow what are essentially double frontage lots that back onto Waterford Estates Drive. Lots in Blocks 3, 5 and 7 essentially have double frontage. Lots should not back onto a local street. This eliminates the residential character of the street and is an inefficient use of land, streets and utilities. However, lots on the north side of Waterford Estates Drive are residential and the land south of Waterford Estates Drive is proposed B-2 commercial. Fronting lots toward the proposed commercial would not be desirable. Staff supports the request to allow the waiver to the lot depth to width ratio of Outlots D and E.
6. Outlot H has a substantial portion of the lot located in floodplain. The purpose of this, and other, outlots must be indicated on the site plan. Most of the outlot is not developable due to the floodplain and the staff recommends the approval to the waiver of maximum lot depth to width ratio in order to preserve the floodplain in this location.
7. The developer requests to change the zone from AG to B2 on a portion of the perimeter of the preliminary plat. The developer indicated they do not have a tenant for the site and do not presently know how they would like to configure the commercial. They request to delay the filing of a use permit to a later date. Staff supports this request because all required information will be submitted with the use permit and a public hearing process will be followed. Zoning the property now will provide evidence to future residents that the southern portion of the site will eventually be commercial in nature. The Comprehensive Plan calls out part of this area for "employment" (i.e. light industrial) uses. Staff and the developer have had preliminary discussions on how the land to the south, and perhaps some or all of this strip of B-2 zoning as well, may be rezoned to a planned unit development that would allow for a mix of uses.
8. The annexation request meets the annexation policy in the Comprehensive Plan. Annexation policy:
  - Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
  - Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing

ANX #04003, CZ #04019, PP #04011, Waterford Estates

of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

**ANNEXATION CONDITIONS:**

1. Prior to scheduling the request on the City Council agenda the applicant shall sign an annexation agreement to the satisfaction of the City. However the Planning Director may forward the annexation to the City Council if the City Staff and the applicant cannot reach an agreement.

**PRELIMINARY PLAT CONDITIONS:**

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 All streets meet slope standards.
    - 1.1.2 Revisions to the satisfaction on the Public Works and Utilities Department memo dated January 27, 2005.
    - 1.1.3 Revisions to the satisfaction of the Watershed Management section of the Public Works and Utilities Department memo dated February 25, 2005.
    - 1.1.4 Revisions to the satisfaction of the County Engineer memo dated December 23, 2004.
    - 1.1.5 Street names that do not duplicate or are phonetically similar to existing streets or cause addressing problems.
    - 1.1.6 Revisions to the satisfaction of the Parks Department memo dated January 4, 2005.

ANX #04003, CZ #04019, PP #04011, Waterford Estates

- 1.1.7 Utility easements as requested by the Lincoln Electric System memo dated January 3, 2005.
- 1.1.8 Remove "E" designation from O Street and in site notes.
- 1.1.9 Remove "N" designations from all streets that are not north-south aligned streets.
- 1.1.10 Revise the sidewalk easement in Block 7 to provide a more direct connection to the sidewalk easement in Block 6. Revise the sidewalk easements in Block 20 and 21 to provide a more direct connection to Portage Drive.
- 1.1.11 Show the pedestrian sidewalks on the grading plan to the satisfaction of the Public Works and Utilities Department.
- 1.1.12 Revisions to the lake to the satisfaction of the Lower Platte South Natural Resources District memo date January 18, 2004.
- 1.1.13 Indicate the purpose of all outlots.
- 1.1.14 Show street names on sheet 1.
- 1.1.15 Extend Stony Rapids Road east to N. 102<sup>nd</sup> Street and eliminate N. 101<sup>st</sup> Street between Stony Rapids Road and North Bank Drive.
- 1.1.16 Revise General Site Note #30 to state "Lots 1-15, Block 4 shall not be final platted until Sunny Slope Road has been vacated".
- 1.1.17 Revise the requested waivers table to list all required waivers.
- 1.1.18 Renumber blocks to reflect actual block areas. (Block 30 and Block 31 should be combined into a single block, Block 4 and 8 should be one block, Block 26 and 27 should be one block).
- 1.1.19 Remove references to PUD on the site plan and general notes.
- 1.1.20 Clearly identify sidewalks in the pedestrian easements on the site plan.
- 1.1.21 Revise sidewalks on major streets to indicate 5' width.



ANX #04003, CZ #04019, PP #04011, Waterford Estates

- 1.1.22 Add a note to the site plan stating "A Letter of Map Revision must be completed on the property included within this preliminary plat after construction of the dam is complete and the new floodplain for Stevens Creek has been officially adopted by FEMA, and prior to final platting of any lots affected by the alteration of the floodplain.

2. The City Council approves associated request:

- 2.1 Annexation #04003
- 2.2 Change of Zone #04019

General:

3. Final Plats will be approved by the Planning Director after:

- 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
  - 3.2.1 to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of this final plat.
  - 3.2.2 to complete the installation of sidewalks along both sides of all streets and along the south side of Holdrege Street as shown on the final plat within four (4) years following the approval of this final plat.
  - 3.2.3 to construct the sidewalk in the pedestrian way easements at the same time as the adjacent streets are paved and to agree that no building permit shall be issued for construction on the adjacent lots until such time as the sidewalk in the pedestrian way easement is constructed.
  - 3.2.4 to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.

ANX #04003, CZ #04019, PP #04011, Waterford Estates

- 3.2.5 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.
- 3.2.6 to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
- 3.2.7 to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
- 3.2.8 to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat.
- 3.2.9 to complete the installation of public street lights along all streets within this plat within two (2) years following the approval of this final plat.
- 3.2.10 to complete the planting of the street trees along all streets within this plat within four (4) years following the approval of this final plat.
- 3.2.11 to complete the planting of the landscape screen within this plat within two (2) years following the approval of this final plat.
- 3.2.12 to complete the installation of the street name signs within two (2) years following the approval of this final plat.
- 3.2.13 to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- 3.2.14 to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 3.2.15 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

ANX #04003, CZ #04019, PP #04011, Waterford Estates

- 3.2.16 to complete the public and private improvements shown on the preliminary plat
- 3.2.17 to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private facilities and improvements which have common use or benefit on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development . However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private facilities and improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.18 to continuously and regularly maintain the landscape screens.
- 3.2.19 to submit to the lot buyers and builders a copy of the soil analysis.
- 3.2.20 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.21 to perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
- 3.2.22 to inform all purchasers and users of lots located within the 100 year floodplain that the land is located within the 100 year floodplain and to inform all purchasers and users that the grading of the lots and outlots shall be in conformance with the grading plan approved with the Waterford Preliminary Plat #04011 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.
- 3.2.23 to relinquish the right of direct vehicular access from Lot 1, Block 9, Lots 1-11 Block 13, Lots 10-19, Block 18, Lots 1-18,

ANX #04003, CZ #04019, PP #04011, Waterford Estates

Block 25, Lot 1, Block 26 and outlots A, B and H to Holdrege Street, Lots 16-17, Block 13, Lots 1-5, Block 18, Lots 1-13, Block 17, Lots 1-14, Block 16, Lot 1, Block 30, Lot 1, Block 31 and Outlots A, B, C, F, E and G to N. 98<sup>th</sup> Street and Lots to O Street.

Prepared by:

Becky Horner, 441-6373, [rhorer@lincoln.ne.gov](mailto:rhorer@lincoln.ne.gov)  
Planner

**DATE:** March 3, 2005

**APPLICANT:** Seacrest and Kalkowski  
1111 Lincoln Mall, Suite 350  
Lincoln, NE 68508

**OWNER:** Richard, Daniel, Mark and Thomas McGinnis  
238 S. 13<sup>th</sup> Street  
Lincoln, NE 68508  
(402)441-5800


Ridge Development Company and Southview Inc.  
3355 Orwell, Suite 100  
Lincoln, NE 68516  
(402)435-3444

**CONTACT:** Ken Seacrest  
(402)435-6000

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**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** March 23, 2005

**RE :** **Use Permit No. 05002, Northwoods Office Park**  
(SW corner of N. 84<sup>th</sup> Street and Northwoods Drive)  
**Resolution No. PC-00914**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 16, 2005:

Motion made by Taylor, seconded by Larson, to approve **Use Permit No. 05002, Northwoods Office Park**, with conditions, as amended, requested by Regent Heights LTD Partnership, for authority to develop two 5,000 sq. ft. office buildings in a R-T Residential Transition District, on property located at the southwest corner of N. 84<sup>th</sup> Street and Northwoods Drive.

Motion to approve, with conditions, as amended, carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Cale Luckey, Olsson Associates, 1111 Lincoln Mall, 68508  
Regent Heights LTD Partnership, P.O. Box 22296, 68542  
Tom Soukup, Meadowlane Area Neighborhood, 645 Trail Ridge Rd., 68505  
Betty Meyers, Meadowlane Area Neighborhood, 6801 Joyce Ave., 68505  
Don Uerling, Meadowlane Area Residents Assn., 8024 East Avon Lane, 68505  
Steve Bussey, Sunrise Estates Community Assn., 1001 N. 88<sup>th</sup>, 68505

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RESOLUTION NO. PC- 00914

USE PERMIT NO. 05002

1           WHEREAS, Regent Heights LTD Partnership has submitted an application in  
2           accordance with Section 27.28.090 of the Lincoln Municipal Code designated as Use Permit  
3           No. 05002 to develop two 5,000 sq. ft. office buildings in an R-T Residential Transition District  
4           on property generally located at the southwest corner of N. 84th Street and Northwoods Drive,  
5           legally described to wit:

6                     Lot 1, Block 2, Northern Lights 11th Addition, Lincoln, Lancaster  
7                     County, Nebraska;

8           WHEREAS, the real property adjacent to the area included within the site plan  
9           for this construction of commercial buildings will not be adversely affected; and

10           WHEREAS, said site plan together with the terms and conditions hereinafter set  
11           forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to  
12           promote the public health, safety, and general welfare.

13           NOW, THEREFORE, BE IT RESOLVED by the Lincoln City - Lancaster County  
14           Planning Commission of Lincoln, Nebraska:

15           That the application of Regent Heights LTD Partnership, hereinafter referred to  
16           as "Permittee", to develop two 5,000 sq. ft. office buildings in an R-T Residential Transition  
17           District be and the same is hereby granted under the provisions of Section 27.28.090 of the  
18           Lincoln Municipal Code upon condition that construction and operation of said commercial  
19           space be in strict compliance with said application, the site plan, and the following additional  
20           express terms, conditions, and requirements:

1                    1.        This permit approves two buildings up to 5,000 sq. ft. of office floor area  
2        per building.

3                    2.        Before receiving building permits:

4                    a.        The Permittee shall complete the following instructions and submit  
5                    the documents and plans to the Planning Department office for  
6                    review and approval.

7                    i.        A revised site plan showing the following revisions:

8                    (1)       Delete the signs shown along N. 84<sup>th</sup> St.

9                    (2)       Change the setback along N. 84<sup>th</sup> St. from 10 feet  
10                    to 20 feet.

11                    (3)       Parking cannot encroach into the front yard  
12                    setback. The parking curb must be a minimum of  
13                    22.5' from the property line.

14                    (4)       Delete Note 18.

15                    (5)       Delete "ATM" from Note 19. ATM's are not allowed  
16                    in R-T.

17                    (6)       Provide a boundary survey and gross acreage

18                    (7)       Identify the street right-of-way.

19                    (8)       Identify the lot line.

20                    (9)       Remove the City Council approval.

21                    (10)      Delete Note 21.

22                    (11)      Delete all requested waivers.

23                    (12)      Show sidewalks along Northwoods Dr. and  
24                    continue the sidewalk from the buildings to the  
25                    sidewalk along the streets.

26                    (13)      In Note 15, delete "lot shown on each lot."

27                    ii.       A permanent reproducible final site plan as approved.

28                    b.        The construction plans comply with the approved plans.  
29  
30  
31  
32  
33  
34

- 1 c. Final plat is approved by the City.
- 2 d. The required easements as shown on the site plan are recorded
- 3 with the Register of Deeds.
- 4 3. Before occupying the buildings all development and construction is to
- 5 comply with the approved plans.
- 6 4. The site plan accompanying this permit shall be the basis for all
- 7 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
- 8 elements, and similar matters.
- 9 5. This resolution's terms, conditions, and requirements bind and obligate
- 10 the Permittee, its successors and assigns.
- 11 6. The applicant shall sign and return the letter of acceptance to the City
- 12 Clerk within 30 days following the approval of the special permit, provided, however, said 30-
- 13 day period may be extended up to six months by administrative amendment. The clerk shall file
- 14 a copy of the resolution approving the special permit and the letter of acceptance with the
- 15 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

DATED: March 16, 2005

ATTEST:

/S/ ORIGINAL SIGNED BY  
MARY BILLS-STRAND

Chair

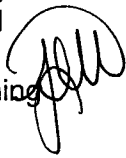
Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney



**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** March 23, 2005

**RE :** **Special Permit No. 05009, Fieldstone Center Community Unit Plan**  
(Southwest of N. 26<sup>th</sup> Street and Old Dairy Road)  
**Resolution No. PC-00911**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 16, 2005:

Motion made by Pearson, seconded by Carroll, to approve **Special Permit No. 05009, Fieldstone Center Community Unit Plan**, with conditions, as amended, requested by Robert and Victoria Rokeby, Larry Schmieding and Fieldstone Owners Association, for authority to develop a community unit plan for 70 dwelling units, with a requested waiver of the screening along the south side of the property, on property generally located southwest of N. 26<sup>th</sup> Street and Old Dairy Road.

Motion to approve, with conditions, as amended, carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission. The Planning Commission action approving the associated Change of Zone No. 05017 is a recommendation to the City Council.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
J.D. Burt, Design Associates, 1600 N Street, 68508  
Jerry Boyce, Boyce Construction, 4631 S. 67<sup>th</sup>, 68516  
Fieldstone Owners Association, 150 Jackson Cove Crescent, Eureka Springs, AK 72631  
Rob Hackwith, Landon's Neighborhood, 4210 N. 23<sup>rd</sup>, 68521  
Carol Brown, Landon's Neighborhood, 2201 Elba Circle, 68521  
Larry Peterson, 2444 Dodge, 68521

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RESOLUTION NO. PC- 00911

SPECIAL PERMIT NO. 05009

1 WHEREAS, Robert Rokeby and Victoria Rokeby, Larry Schmieding, and  
2 Fieldstone Owners Association have submitted an application designated as Special Permit No.  
3 05009 for authority to develop Fieldstone Center Community Unit Plan for 70 dwelling units,  
4 with a requested waiver of the screening along the south side of the property, on property  
5 located southwest of N. 26th Street and Old Dairy Road, and legally described as:

6 Outlots A and B, Fieldstone Center 1st Addition, and Lot 138 I.T.,  
7 located in the Southeast Quarter of the Northeast Quarter of  
8 Section 12, Township 10 North, Range 6 East of the 6th P.M.,  
9 Lincoln, Lancaster County, Nebraska, and more particularly  
10 described as follows:

11 Beginning at the southwest corner of Fieldstone Center 1st  
12 Addition; thence in an easterly direction along the south line of  
13 said Fieldstone Center 1st Addition on an assumed bearing of  
14 south 88 degrees 47 minutes 12 seconds east for a distance of  
15 586.33 feet to the southwest corner of Lot 1 of said Fieldstone  
16 Center 1st Addition; thence north 01 degrees 13 minutes 10  
17 seconds east, along the west line of said Lot 1, for a distance of  
18 236.59 feet; thence south 88 degrees 46 minutes 40 seconds  
19 east, along the north line of said Lot 1, for a distance of 307.28  
20 feet to the northeast corner of said Lot 1; thence on a non-tangent  
21 curve to the right with a radius of 429.00 feet and an arc length of  
22 48.33 feet, being subtended by a chord of north 12 degrees 7  
23 minutes 8 seconds west for a distance of 48.30 feet to the  
24 northeast corner of Outlot B of said Fieldstone Center 1st Addition;  
25 thence north 88 degrees 46 minutes 40 seconds west for a  
26 distance of 465.69 feet; thence north 01 degrees 13 minutes 10  
27 seconds east for a distance of 185.00 feet to a point on the north  
28 line of said Lot 138 I.T.; thence north 88 degrees 40 minutes 21  
29 seconds west for a distance of 426.34 feet to the northwest corner  
30 of said Lot 138 I.T.; thence south 00 degrees 2 minutes 24

1               seconds west for a distance of 469.59 feet to the point of  
2               beginning; containing 5.97 acres, more or less;

3               WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
4               public hearing on said application; and

5               WHEREAS, the community as a whole, the surrounding neighborhood, and the  
6               real property adjacent to the area included within the site plan for this community unit plan will  
7               not be adversely affected by granting such a permit; and

8               WHEREAS, said site plan together with the terms and conditions hereinafter set  
9               forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and  
10              purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and  
11              general welfare; and

12              NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
13              Planning Commission of Lincoln, Nebraska:

14              That the application of Robert Rokeby and Victoria Rokeby, Larry Schmieding,  
15              and Fieldstone Owners Association, hereinafter referred to as "Permittee", to develop  
16              Fieldstone Center Community Unit Plan for 70 dwelling units be and the same is hereby  
17              granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal  
18              Code upon condition that Change of Zone No. 05017 rezoning the above-described property  
19              from I-1 Industrial to R-4 Residential District is approved by the City Council of the City of  
20              Lincoln, Nebraska and that construction of said development be in strict compliance with said  
21              application, the site plan, and the following additional express terms, conditions, and require-  
22              ments:

23              1.       This permit approves 70 dwelling units and a waiver to the design standards for  
24              screening along the south side of the community unit plan.

25              2.       Before receiving building permits:

- 1                   a.     The Permittee shall complete the following instructions and submit the  
2 documents and plans to the Planning Department office for review and  
3 approval.
- 4                   i.     A revised site plan including 5 copies showing the following  
5 revisions:
- 6                   (1)    Show utility easements requested by the LES memo dated  
7 February 28, 2005.
- 8                   (2)    Show sidewalks along the north side of the access drive  
9 into the property.
- 10                  (3)    Show revisions to the satisfaction of the Public Works and  
11 Utilities Department memo dated March 2, 2005 except  
12 second access.
- 13                  (4)    Show revisions to the satisfaction of the Parks Department  
14 memo dated February 27, 2005.
- 15                  (5)    Show fire hydrants to the satisfaction of the Fire  
16 Department and Building and Safety Fire Prevention/Life  
17 Safety Code.
- 18                  (6)    Reduce the curb radius to 20' near buildings 1 and 4.
- 19                  ii.    A landscape (screen) plan approved by the Director of Planning.
- 20                  iii.   A recreation plan approved by the Director of Planning.
- 21                  iv.    A permanent final plan with 5 copies as approved.
- 22                  b.     The construction plans must conform to the approved plans.
- 23                  c.     Final plat(s) is/are approved by the City.
- 24                  d.     The required easements as shown on the site plan are recorded with the  
25 Register of Deeds.
- 26                  3.     Before occupying the residential development all development and construction  
27 must conform to the approved plans.
- 28                  4.     All privately-owned improvements, including landscaping and recreational  
29 facilities, are to be permanently maintained by the Permittee or an appropriately established  
30 homeowners association approved by the City.
- 31                  5.     The site plan accompanying this permit shall be the basis for all interpretations of

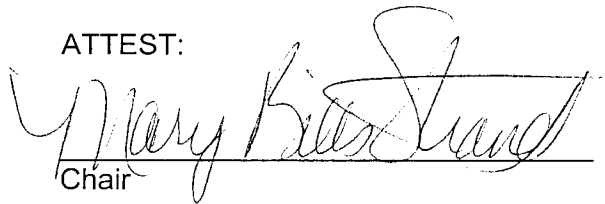
1 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
2 matters.

3 6. This resolution's terms, conditions, and requirements bind and obligate the  
4 Permittee, their successors and assigns.

5 7. The Permittee shall sign and return the letter of acceptance to the City Clerk  
6 within 30 days following the approval of the special permit, provided, however, said 30-day  
7 period may be extended up to six months by administrative amendment. The clerk shall file a  
8 copy of the resolution approving the special permit and the letter of acceptance with the  
9 Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

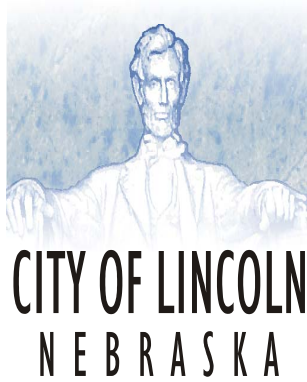
10 The foregoing Resolution was approved by the Lincoln City-Lancaster County  
11 Planning Commission on this 16th day of March, 2005.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney



# PUBLIC WORKS & UTILITIES ADVISORY

MAYOR COLEEN J. SENG

[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

March 21, 2005

## **PRE-CONSTRUCTION OPEN HOUSE**

**56th Street & Holdrege Street Storm Sewer Project**

**Project #701677**

**Monday, March 28, 2005; 6:00 to 7:00 p.m.**

**Trinity Lutheran School - Multi Purpose Room**

**1200 North 56th Street**

**(Entrance on south side of building)**

This advisory is to inform you of an informational meeting regarding the upcoming construction of the 56th Street & Holdrege area Storm Sewer project. City personnel and the construction contractor will be at this meeting to answer questions concerning the project. Information and the detour route are available on the City's website: [www.lincoln.ne.gov](http://www.lincoln.ne.gov).

The contractor for this project is Skoda Construction. Any questions for the contractor, please contact Ron Skoda Jr. at 560-5004.

Please call Project Manager Warren Wondercheck with any questions.

Warren Wondercheck  
Engineering Specialist  
Public Works & Utilities Department  
531 Westgate Blvd. Suite 100  
Lincoln, NE 68528  
402-441-7014  
[wwondercheck@lincoln.ne.gov](mailto:wwondercheck@lincoln.ne.gov)

HOLDREGE ST

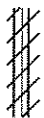
48TH

51ST

56TH

VINE ST

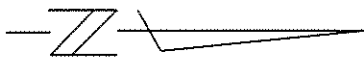
LEGEND



CONSTRUCTION AREA



DETOUR ROUTE



# M e m o r a n d u m

**To:** City Council  
**From:** Dennis Bartels, Engineering Services  
**Subject:** Appeal of Condition of Approval, Thompson Creek Use Permit  
**Date:** March 23, 2005  
**cc:** Marvin Krout  
Randy Hoskins  
Nicole Fleck-Tooze  
Ann Harrell

RECEIVED  
MAR 24 2005  
CITY COUNCIL  
OFFICE

The developer of Thompson Creek has appealed the conditions of approval of Use Permit 141A at South 56th and Union Hill Road. These conditions related to site plan traffic issues recommended by Public Works. We wish to make the following comments concerning Public Works reasons for making these recommendations:

1. The design standards call for a "minimum street width of 27 feet and do not specifically call out different street widths for commercial streets compared to residential. The design standard for public streets in commercial areas is 33 feet wide with no parking or 39 feet wide with parking. Public Works had not objected to the narrower street when it dead-ended into a parking lot, but recommended 33 feet wide since it is now amended to be a thru-street connected to a public street at both ends and will provide access to a commercially zoned area. The second requested amendment is related to the street width question. The plan also shows right angle parking stalls along both sides of this private roadway. Engineering Services recommended angle stalls. The right angle stalls with the width as shown will require the design vehicle to use the majority of the roadway width to enter and exit the stalls. The design of parking stalls on a through commercial street should be designed to enter and exit the stalls without crossing the centerline of the private streets. With angle stalls, the parking stalls can be designed to provide this design. Engineering Services would accept a paving width of less than 33 or 39 feet if the developer shows a parking design angle that allows the parking vehicle to maneuver in and out of the stalls on the half of the street that the stalls are located.

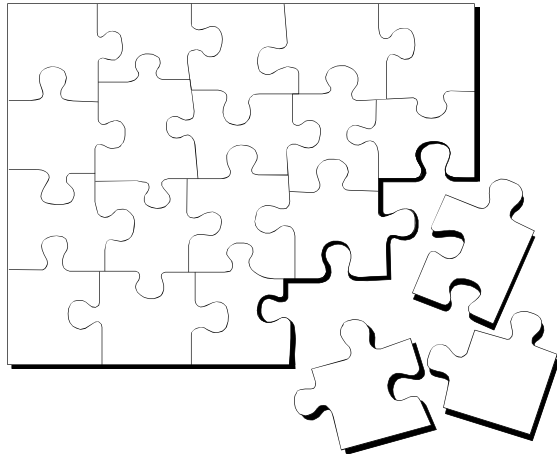
It should be noted that the first use permit for Thompson Creek reviewed by staff did not show any need for a private street. Subsequent revisions showed a dead-end private street for utility and new building pad location reasons (with the narrow width and right angle stalls). Since the revision presently under review now shows a private thru street that design standards specify to be a 25 mile per hour design, we do not believe the narrow street with right angle parking is a safe design and would not have been approved with the original private roadway had it been submitted with the proposed use permit and roadway.

2. Public Works requested a traffic study to show the impact of the proposed changes. The original preliminary plat approved by Planning Commission required an impact study. The plan submitted now shows a different street and access pattern than originally submitted. The plan presently under review depicts a facility with drive up facilities which normally implies a higher number of vehicle trips. The original plan and verbal description depicted low impact office uses. To be consistent with the original approval, Engineering Services requested a traffic study based upon the plan submitted.



# **Council of Women Leaders**

## **April Networking Event**



**Tuesday**  
**April 19, 2005**

**Holiday Inn**  
**Downtown**  
**141 N. 9<sup>th</sup> St.**  
**Lincoln NE 68508**

**Join Us and Meet Other Women Leaders!**

**Check-in time, 5:15 p.m.**

**5:30 to 7 p.m.**

**\$10 per/person**

**RSVP with PAYMENT BY**  
**Wednesday, April 13, 2005 to:**



**Lincoln-Lancaster Women's Commission**  
**440 St. 8<sup>th</sup> St., Ste. 100 Lincoln, NE**  
**(402) 441-7716**  
**[llwc@lincoln.ne.gov](mailto:llwc@lincoln.ne.gov)**

FROM: Patte Newman - RFI#32

DATE: March 15, 2005

TO: Marc Wullschleger, Urban Development  
Lynn Johnson, Parks & Recreation  
Ann Harrell, Public Works

Could we please get some information about the proposed bike/ped bridge over North 27th Street? There are concerns that the scope of this project is a lot more grandiose than originally discussed.

Is there currently a design for the bridge? What is the proposed cost including design and probable total cost of construction, land acquisition etc.?

Was a bridge similar to others in town considered? What were the costs of those (S. 14th, 27th, or N. 84th)?

Is it possible to design and install a bridge for less than \$1 to 1.5 million?

Thanks.  
Patte

# M E M O R A N D U M

**To:** Patte Newman, City Council Representative  
**From:** Wynn Hjermstad, Urban Development  
**Date:** March 23, 2005  
**Subject:** RFI #32  
**cc:** Lynn Johnson, Terry Genrich, Parks and Recreation  
Ann Harrell, Roger Figard, Maggie Kellner, Karen Sieckmeyer, Public Works  
and Utilities  
Marc Wullschleger, Ernie Castillo, Urban Development

This is in response to your Request For Information regarding the proposed bicycle/pedestrian trail bridge on North 27<sup>th</sup> Street, at about “X” Street. Your questions are in bold and italicized, followed by the response.

***Could we please get some information about the proposed bike/ped bridge over North 27<sup>th</sup> Street? There are concerns that the scope of this project is a lot more grandiose than originally discussed.***

The pedestrian trail bridge project is identified in *The North 27<sup>th</sup> Street and Environs Redevelopment Plan*. The concept originated with *The North 27<sup>th</sup> Street Corridor Plan* completed in April, 1997. The bridge was originally intended to be a signature bridge, not just a functional bridge. Part of the project description, written August, 1998, states the following:

“A streetscape plan is currently being developed for the North 27<sup>th</sup> Street redevelopment area. It is anticipated that the pedestrian bridge will be a ***signature element*** (emphasis added) of future streetscape features reinforcing the identity of the corridor. The details and ornamentation of the bridge should compliment and be reflective of architectural elements from significant buildings within the immediate vicinity, and proposed streetscape features such as benches and lighting. Opportunities to add seasonal interest and color to the bridge through the use of flags or banners should be explored.”

North 27<sup>th</sup> Street is a gateway to UNL and downtown. The citizens and staff involved from the outset viewed the bridge not just as functional, but as a quality project that would continue the revitalization of the area. The North 27<sup>th</sup> Business and Civic Organization has endorsed the design, and in fact worked with staff and consultants on the bridge design. The current design

resulted from a great deal of public involvement. Numerous meetings were held to gain public input. In sum, no, the project has not become more grandiose. It was always intended to help revitalize the area and be more than just a functional bridge.

***Is there currently a design for the bridge? What is the proposed cost including design and probable total cost of construction, land acquisition, etc.?***

There is currently a concept design, but not final design or construction documents. The estimated cost is \$2,171,000, this includes \$1,187,000 for basic bridge features with \$309,000 for additional aesthetic features on the bridge. The two mini-parks beneath the bridge on both sides of 27<sup>th</sup> Street are estimated to cost \$218,000. Final design, construction management, and contingencies are estimated at \$457,000. The City already owns the land, so there will be no further acquisition costs. It is the opinion of Public Works and Utilities staff that the estimate for the basic bridge features is reasonable.

***Was a bridge similar to others in town considered? What were the cost of those (S. 14<sup>th</sup>, 27<sup>th</sup>, or N. 84<sup>th</sup>)?***

Due to the different character of the North 27<sup>th</sup> Street corridor and the surrounding neighborhoods, and the purpose of this bridge (i.e., to be a revitalization project as well as functional) bridges similar to the others you mention were not considered. Again, the intent is to build a signature bridge that enhances and furthers the revitalization of the corridor as well as serving a functional purpose. However, the Parks and Recreation Department has supplied the following information regarding the costs of the other bridges:

- Rock Island Trail over Highway 2, Star City Shores entrance drive and South 27<sup>th</sup> Street: completed in 1997, total length is 415 feet, total cost \$1,308,425 (\$3,153 per linear foot).
- Murdock Trail crossing over North 84<sup>th</sup> Street: completed in 1999, total length is 188 feet, total cost \$215,810 (\$1,830 per linear foot).
- Rock Island Trail crossing over South 14<sup>th</sup> Street: completed in 2004, total length is 209 feet, total cost \$395,000 (\$1,892 per linear foot).

For comparison purposes, the North 27<sup>th</sup> Street bridge has a length of 520 linear feet, or \$3,755 per linear foot, excluding costs for the mini-parks. The Highway 2/Star City Shores/South 27<sup>th</sup> Street bridge, if it were to be built today and included the architectural features of the proposed 27<sup>th</sup> Street bridge and the 2 mini-parks, adjusted for inflation, would have an estimated total cost of \$2,460,135. This exceeds the estimated cost of the North 27<sup>th</sup> Street bridge and is over 100 feet shorter.

Memorandum to Patte Newman  
March 23, 2005  
Page 3

*Is it possible to design and install a bridge for less than \$1 to 1.5 million?*

Yes, with a modified design and if there are no aesthetic treatments above the bridge deck and no mini-parks. Estimates are approximately \$1.3 million for a functional bridge that is not a revitalization element for the North 27<sup>th</sup> Street corridor.

I hope this answers your questions. Please contact me at 441-8211 or [whjermstad@ci.lincoln.ne.us](mailto:whjermstad@ci.lincoln.ne.us) if you have questions or would like further information.



**Joan V Ray**

03/18/05 12:26 PM

To: CouncilPacket/Notes@Notes  
cc:  
Subject: Fw: Antelope Valley

----- Forwarded by Joan V Ray/Notes on 03/18/2005 12:28 PM -----



**"Patte Newman"**  
<[newman2003@neb.rr.com](mailto:newman2003@neb.rr.com)>

03/18/2005 11:52 AM

To: <[JRay@ci.lincoln.ne.us](mailto:JRay@ci.lincoln.ne.us)>  
cc:  
Subject: Fw: Antelope Valley

----- Original Message -----

**From:** [Patte Newman](#)

**To:** [jwjjr@concentric.net](mailto:jwjjr@concentric.net)

**Sent:** Tuesday, March 15, 2005 10:50 AM

**Subject:** Antelope Valley

Sir

You can find a lot of this information yourself. If you go to the city website, [www.lincoln.ne.gov](http://www.lincoln.ne.gov) and click on government, go to City of Lincoln Departments, City Council, Weekly Council Meetings, hit City Council Meetings search and then 2004.

From there you click on October 11, 2004 for the director's agenda, and if you get to page 83 you will see a Request For Information that I sent specifically on several of the issues you raised in your email. Page 82 is a response from one department. (FYI: I met with some of the city directors who personally handed me information on various TIF projects citywide which we discussed thoroughly so that response was never in writing.)

The longer answer to the RFI with details on consultants fees on A.V. etc. can be found under the director's agenda dated October 25th. There are a lot of documents with figures (some of which are impossible to read) and some of your questions will be answered. I think you'll find the information very interesting.

As I recall Nate Jenkins did call me about this RFI back in October. I believe Deena (of the LJS) is also aware that the information is there as we talked about it after she replaced Nate.

The name of the Public Works employee who is the Antelope Valley Manager is Wayne Teten, his number is 441-4939. I'm sure he would be happy to answer your questions about his salary. I do not personally have that figure at hand. He can probably also help answer any additional questions you have, but if you would prefer that a Council person do it, you can certainly let one of all of us know.

I think I can safely say there was unanimous consensus with the Council yesterday at a budget meeting that any Antelope Valley expenditures will be scrutinized carefully so your concerns are not yours alone.

Let us know if you need further information that Mr. Teten is unable to provide.

Sincerely,  
Patte Newman

NE City Council



**Joan V Ray**

03/21/2005 01:27 PM

To:  
cc:  
Subject: Re: monthly bus passes

----- Forwarded by Joan V Ray/Notes on 03/21/2005 01:32 PM -----



**Joan V Ray**

03/21/2005 01:27 PM

To: tlcstaff <tlc@cedars-kids.org>  
cc:  
Subject: Re: monthly bus passes 📎

Dear Ms. Carter: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray  
City Council Office  
555 South 10th Street  
Lincoln, NE - 68508  
Phone: 402-441-6866  
Fax: 402-441-6533  
e-mail: jray@ci.lincoln.ne.us

tlcstaff <tlc@cedars-kids.org>



**tlcstaff**  
**<tlc@cedars-kids.org>**

03/21/2005 12:27 PM

To: "council@ci.lincoln.ne.us" <council@ci.lincoln.ne.us>  
cc:  
Subject: monthly bus passes

Dear City Council Members,  
Hello, my name is Rose Carter and I am an employee with CEDARS Youth Services Teaching and Learning with Children (TLC) Group Home where we provide a safe living environment and training for the needs of 15 teens, many of them mothers with children. Many aspects of our programming here at TLC rely on public bus transportation. This includes transportation to school (we currently use all six of the Lincoln high schools, and the downtown S.E.C.C. campus for G.E.D. studies. Our clients also utilize bus transportation to their places of employment. The Lincoln bus system has allowed many of our clients to have consistency with school, as many of our clients are already enrolled in a school that is out of the area when they enter our program. If TLC had to transport every girl to school, the girls would not have an option but to attend the closest school. Our clients have benefited greatly from Star Tran and CEDARS has been able to purchase each client her own monthly bus pass since they have been reduced to \$5.00. This gives our clients even more flexibility in using the bus system, and greatly assists CEDARS in the mission of helping children youth and families grow to live safe, healthy, and productive lives.

Thank you for your time,  
Rose Carter  
CEDARS TLC  
Family Specialist  
437-8854





4603 Prescott Ave #3-A  
Lincoln, NE 68506-4963  
March 18, 2005

RECEIVED  
MAR 21 2005  
CITY COUNCIL  
OFFICE

Honorable City Councilpersons,

I read in the Lincoln Journal-Star that the "Ride For Five," which was watered-down from a ride-for-free program sponsored by Terry Werner, has been further compromised to a ride-for-ten program, and has restrictions on the number of passes sold per month.

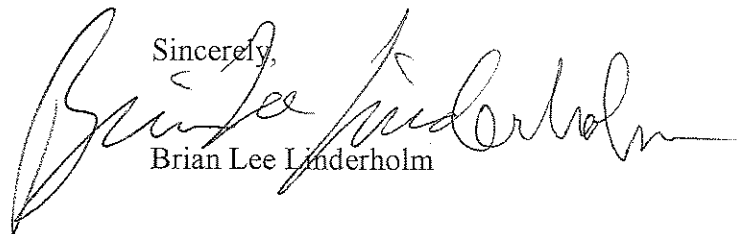
I feel that this is eminently unfair to low-income persons because even five dollars per month is a lot of money, especially to those on a fixed income, such as myself. And to make it first-come-first-serve on top of that, OUCH!!!

Can't some other way of paying for this be found that doesn't impact our economically-vulnerable population, such as raising the price of full-price bus-passes? Since the number of low-income individuals is but a small fraction of the total number of bus passengers, you wouldn't need to raise it very much, and you would be implementing a bus service that is based on "ability to pay," much like many other government services such as mental health, income taxes, etcetera. As it stands now, it appears that a "soak the poor" mentality is pervasive.

I hope that Councilman Jon Camp and the Mayor realize how much this hurts us. After all, who has the money—low-income bus riders or the City of Lincoln?

Thank you for your time, and I hope you appreciate the gravity of this issue.

Sincerely,

A handwritten signature in cursive script, reading "Brian Lee Linderholm". The signature is written in dark ink and is positioned above the printed name.

Brian Lee Linderholm



# Friendship Home

Shelter and Support for Battered Women and Their Children

March 21, 2005

P.O. Box 85358  
Lincoln, NE 68501-5358  
(402) 434-6353  
[www.friendshiphome.org](http://www.friendshiphome.org)

Friendship Home  
2005 Board of Directors

Kris Baack

Scott Baird

Michael Collins

Judy Dougherty

Dorothy Endacott

Debbie Gaspard

Marilyn Harris

Julie Hogg

Jennifer Huxoll

Jim Karins

Scott Keene

Pat Knapp

Doug McDaniel

Lisa Miles

Michon Morrow

Lindy Mullin

Yvonne Norton Leung

Carlton Paine

Claudia Russell

Todd Schumacher

Chad Shirk

Beth Smith

Michelle Suarez

Barb Tegt

Corey Vandewege

Executive Director  
Amy Evans

Lincoln City Council  
City Council Office  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

VIA FACSIMILE TRANSMISSION TO (402)441-6533

RE: Support for the Ride For Five Program

Dear Council Members:

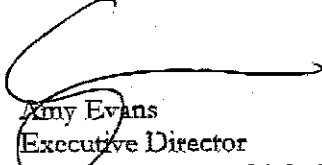
Friendship Home of Lincoln, Inc. (Friendship Home) is a 501(c) 3, nonprofit organization. We provide one of the core services in Lincoln and Lancaster County's response to domestic violence: shelter and supportive services for victims of domestic violence and their children. In 2004, Friendship Home served over 1,400 women and children who were escaping the horrors of domestic violence.

Transportation is a major barrier to self-sufficiency for the women who seek our help. The Ride For Five Program is being utilized frequently by families at all stages in their journey from emergency shelter to transitional shelter to independent living. The ability to get themselves and their children back and forth to work, school, day care, medical visits, and shopping without unduly burdening very limited budgets is key in achieving independence. Also, please recognize that if a separate pass is needed for each family member to participate in the Ride For Five Program, increasing the basic amount required to purchase a monthly pass could have a dramatic effect on those limited budgets.

Therefore, I strongly urge your support of the Resolution to transfer appropriations in the amount of \$25,000 for funding the Ride For Five Program, and ask you to hold the amount needed to purchase a monthly pass to \$5.

Thank you for your continued efforts to support these vulnerable women and children as they work to establish lives free from violence and fear. If I can provide any further information regarding this issue, please contact me.

Respectfully submitted,



Amy Evans  
Executive Director  
Telephone: (402) 434-0161  
Fax: (402) 434-0166  
E-mail: [amy@friendshiphome.org](mailto:amy@friendshiphome.org)




**Joan V Ray**

03/22/2005 01:58 PM

To: "Pete Beau" <pete.beau@homerealestate.com>

cc:

Subject: Re: 

Dear Mr. Beau: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Pete Beau" <pete.beau@homerealestate.com>



**"Pete Beau"**

**<pete.beau@homerealestate.com>**

To: <Council@ci.Lincoln.ne.us>

cc:

Subject:

03/22/2005 02:02 PM

Please reconsider the downzoning issue for the Near South Neighborhood, I am totally opposed and think it goes to far. Whatever happened to a more reasonable position. This goes too far in removing future property rights of property owners..... I would support a slight tweaking on zoning and even some architectural standards, but as written this simply removes property rights..

Thanks Very Much

Pete Beau



**Joan V Ray**

03/22/2005 02:26 PM

To: "Carol B" <carolserv@hotmail.com>

cc:

Subject: Re: Motorsports Complex 

Dear Carol: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Carol B" <carolserv@hotmail.com>



**"Carol B"**

**<carolserv@hotmail.co  
m>**

To:

cc:

Subject: Motorsports Complex

03/22/2005 02:15 PM

Entities in Council Bluffs Iowa have approached Greg Sanford to build his motorsports complex(a circle track, drag strip, tractor pull and quad runner track) between Council Bluffs and Omaha. Is anyone talking to Greg to get his venue in Lancaster County????

Carol

123

March 22, 2005

RECEIVED  
MAR 23 2005  
CITY COUNCIL  
OFFICE

Terry Werner  
City Council Office  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear Councilman Werner:

We are Arlan and Sherrill Miller and live at 5710 Knox Street, Lincoln. We have lived at this address since purchasing the home in 1967. Our three boys have attended Pershing, Dawes, Mickle, Lincoln Northeast, Nebraska Wesleyan and UNL. Sherrill retired after working twenty years at Nebraska Wesleyan, and I retired from Lincoln Electric System after 30 years of employment. We have been members of Faith Lutheran Church since 1975.

We are writing you because of our concern over a proposed Wal-Mart Super Center to be located across North 87<sup>th</sup> Street from our church and school.

Having observed traffic at other Wal-Mart locations, we feel this 24-hour operation with cars, trucks and semis would create congestion and hazardous traffic in the area of our church entrances and Adams Street. Traffic and congestion could discourage people from taking part in our ministry, school, and child-care program.

Aesthetics is another concern of ours. We feel this proposed structure and large parking lot would detract from our site. Wal-Mart buildings have a warehouse appearance. A different location on the site for separation could improve the looks.

Other areas of concern are the noise 24-7, the litter that can be seen around other Wal-Mart sites, and the recorded number of police calls to the North 27<sup>th</sup> Street site. Our parking lot may be subject to the same litter and vandalism.

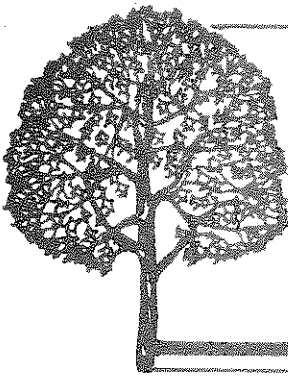
We would appreciate your influence at the meetings to stop Wal-Mart from building on this proposed site.

Sincerely,



Arlan and Sherrill Miller

E-mail: am53130@alltel.net



# WOODS PARK NEIGHBORHOOD ASSOCIATION, INC.

RECEIVED

MAR 23 2005

CITY COUNCIL  
OFFICE

Dear City Council Members,

March 21, 2005

It is with great pleasure that I write this letter of appreciation to you, for the unanimous decision to preserve the existing green space at Woods Park. The Woods Park Neighborhood Association appreciates the position you were in while deliberating this resolution. We are happy to say that we feel you arrived at the correct decision.

It has been suggested by City Council Members that a resolution could be adopted by the City Council that would forever protect the remaining park land at Woods Park. We encourage that this be done and offer our services in what ever assistance we can be.

Again, **Thank You** one and all for your support and action in preserving the park's green space for the free use by all in the community .

Sincerely Yours,

Michael James, President  
Woods Park Neighborhood  
Association

South from "O" Street to Capitol Parkway,  
East from 24th to 33rd Street



**DO NOT REPLY to this-  
InterLinc**  
<none@lincoln.ne.gov>  
>

To: General Council <council@lincoln.ne.gov>  
cc:  
Subject: InterLinc: Council Feedback

03/23/2005 07:15 PM

InterLinc: City Council Feedback for  
General Council

Name: Michael Von Busch Sr.  
Address: 5123 Constitution Ave  
City: Lincoln, NE 68521

Phone: 402-435-5177  
Fax:  
Email: mvonbu1036@aol.com

Comment or Question:

I'm writing in regards to the refunding of the bonds issued in 1996. I beleive that under Nebraska law these bonds can not be refunded untill October 2006.

By allowing

bonds to be issued before October, 2006 constitutes new bonds and must by law be voted on by the people. It sounds good to be able to get a lower interest rate, but it can not be be done illegally which I beleive this would be. Things like this are why the people of Lincoln do not trust our city goverment to do the right thing. i believe all bond issurd by the city dependent on tax revenue require a vote.



City Council Office  
County-City Building  
555 S. 10<sup>th</sup> St.  
Lincoln, NE 68508

RECEIVED  
MAR 24 2005  
CITY COUNCIL  
OFFICE

Dear City Council:

I recently heard about Wal-Mart's proposal to build a 225,000 square foot Super Center on the property immediately west of Faith Lutheran Church and School at 8701 Adams Street. As a third grade teacher at Faith Lutheran School, and member of the congregation, this raises significant concerns for me.

There are nearly 300 children enrolled in our facility, ranging from two, three, and four year olds in the Touching Hearts Early Childhood Center to K-6<sup>th</sup> graders in our elementary school. There are already significant traffic and safety concerns at the 84<sup>th</sup> and Adams intersection. The addition of a Super Wal-Mart, open 24 hours a day, seven days a week would provide even greater safety risks for our children, parents, staff, and congregation members. The potential for increased security issues and unwanted traffic through our parking lots is a major concern, not to mention diminished aesthetic value to the neighborhood.

I am not against Wal-Mart building a facility in Lincoln. I am against the location they have chosen in the middle of a residential area with a church and school already established next door. I sincerely hope that an alternate building site proposal will be considered.

Thank you for your consideration in this matter.

Sincerely yours,



Karen Licht  
420 Wedgewood Drive  
Lincoln, NE 68510

RECEIVED  
MAR 24 2005  
CITY COUNCIL  
OFFICE

5128 Leighton Avenue  
Lincoln, Nebraska 68504

22 March, 2005

Lincoln City Council  
City Council Chambers  
555 South 10th Street  
Lincoln, Nebraska 68508

RE: Proposed change of zoning designations  
Zone No. 05021

City Council Members:

We are writing in support of the proposed zoning designation changes for the above area of Lincoln, known as University Place. We expect that the City Planning Commission will be submitting this proposal for your consideration at the next City Council Meeting.

Much if not all of the zone being considered is also already designated a "Historical Neighborhood." Our home is in the middle of this historical area; we have lived in University Place since 1976 and consider it a very special area of Lincoln. The historical character includes the campus of Nebraska Wesleyan University and the Whitehall Mansion as well as the neighborhood itself. When the distinction of being a "Historical Neighborhood" was awarded to this area we were extremely pleased, since we expected that the original structures of homes, streets, trees, parks would be protected from the rampant destruction which has converted many older areas of Lincoln not so designated into blocks of modern apartment squares.

The recent legislation effected at the last general election, protecting home-owners in historical neighborhoods from increases in real estate taxes due to renovations and restorations of these properties, seems to accentuate the value of protecting and improving these areas.

It is a great surprise to learn that the zoning codes have not already been in place to be compatible with the perceived values expressed in this legislation. We are seriously concerned to have the zoning changes made to ensure the integrity of our beloved homes. Our neighbors on Leighton, Walker and Garland Avenues share our concern.

Please vote in favor of this change to take effect as soon as possible!

With gratitude,

*Robert Baum*  
*Marynel Baum*

cc: UPCO Office

Larry Zink

Robert & Marynel Baum

**ADDENDUM  
TO  
DIRECTORS' AGENDA  
MONDAY, MARCH 28, 2005**

**I. MAYOR**

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of March 26-April 1, 2005-Schedule subject to change -(See Advisory)
2. NEWS RELEASE - RE: Storm Sewer Construction To Close Parts Of Holdrege Street-(See Release)
3. NEWS RELEASE - RE: Open House Planned For Salt Creek Floodplain Mapping Project-(See Release)

**II. CITY CLERK - NONE**

**III. CORRESPONDENCE**

**A. COUNCIL REQUESTS/CORRESPONDENCE - NONE**

**B. DIRECTORS AND DEPARTMENT HEADS - NONE**

**C. MISCELLANEOUS**

1. Letter from James P. Abel, NEBCO, Inc. - RE: Annexation #05001 and Change of Zone #05002-The Links at Lincoln Planned Unit Development-Highway 34 & Fletcher Avenue-(See Letter)



# NEWS ADVISORY

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

Date: March 25, 2005

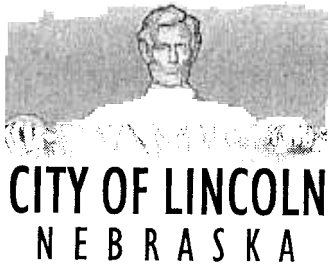
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

**Mayor Seng's Public Schedule**  
**Week of March 26 - April 1, 2005**  
*Schedule subject to change*

Saturday, March 26 through Thursday, March 31 - no public appearances

Friday, April 1

- Rebekahs and Odd Fellows Four-State Conclave, remarks - 7:30 p.m., Holiday Inn, 141 North 9th Street



# NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

## **PUBLIC WORKS AND UTILITIES DEPARTMENT**

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

**FOR IMMEDIATE RELEASE:** March 25, 2005

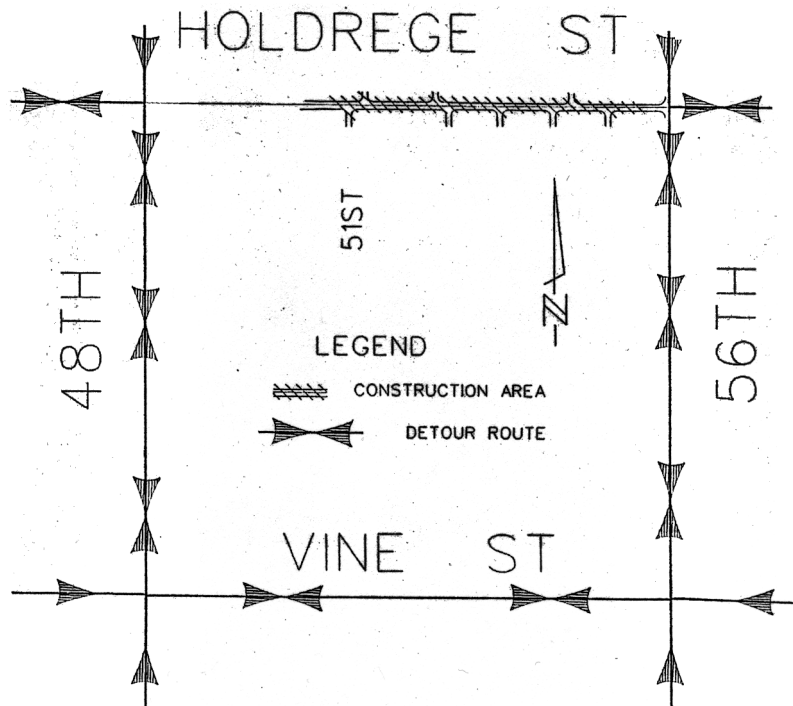
**FOR MORE INFORMATION:** Warren Wondercheck, Engineering Services, 441-7014

### **STORM SEWER CONSTRUCTION TO CLOSE PARTS OF HOLDREGE STREET**

Sections of Holdrege Street will be temporarily closed this spring for storm sewer construction. Beginning Wednesday, March 30 (weather permitting), Holdrege Street will close from 56th Street to west of 54th Street for three to four weeks. During this time, traffic will be detoured south on 56th and 48th streets to Vine Street, then back north again on 56th and 48th streets (see map below).

When work is completed from 56th to 54th Street, Holdrege Street will close from 53rd Street to west of 51st Street for four to five weeks. When this is completed, the contractor will have some one-day to two-day closures on 56th Street from Holdrege to Orchard streets.

- 30 -





# NEWS RELEASE

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

## **PUBLIC WORKS AND UTILITIES DEPARTMENT**

Watershed Management, 901 North 6th Street, Lincoln, NE 68528, 441-7701, fax 441-8194

**FOR IMMEDIATE RELEASE:** March 25, 2005

**FOR MORE INFORMATION:** Ben Higgins, Senior Engineer, 441-7589

### **OPEN HOUSE PLANNED FOR SALT CREEK FLOODPLAIN MAPPING PROJECT**

The public is invited to an open house on the City's new Salt Creek floodplain mapping project Thursday, March 31 at the Lincoln Firefighters Reception Hall, 241 Victory Lane. City staff and consulting engineers will present information about the goals and objectives of the mapping project at 5:30 p.m. and again at 7 p.m.

The Salt Creek floodplain map was initially developed by the U.S. Corps of Engineers in the late 1970s. New technology and data now allow for more accurate mapping, which will help determine the current flood risk for individual properties. The updated floodplain maps will reflect current conditions, better define flood hazards and provide for the floodplain maps to be presented in a more usable digital format.

The area under study includes Salt Creek from about one-half mile south of Saltillo Road to the confluence with Stevens Creek northeast of Lincoln. The project is a joint effort between the City Public Works and Utilities Department and the Lower Platte South Natural Resources District.

This is the first of three public meetings designed to inform citizens and gather information about the process of revising the floodplain. In addition to the open houses, presentations and group meetings will be held for neighborhood associations, business interests, civic organizations and other interest groups.

If you would like more information or to schedule a presentation, see the project Web site at [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: watershed) and click on "Salt Creek mapping," or contact Milan Wall at the Heartland Center for Leadership Development, 474-7667 or [mwall@heartlandcenter.info](mailto:mwall@heartlandcenter.info).



March 23, 2005

RECEIVED

MAR 28 2005

CITY COUNCIL  
OFFICE

Terry Werner, City Council  
City Council Office  
County-City Building  
555 S. 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Annexation No. 05001 and Change of Zone No. 05002  
The Links at Lincoln Planned Unit Development  
Highway 34 & Fletcher Avenue

Dear Councilman Werner:

NEBCO is developing the Fallbrook neighborhood at the Northwest corner of Highway 34 & 1st Avenue. Fallbrook is a 700 acre mixed use "new urbanism" community that will represent over \$300 million in development investment including homes, employment centers, a retail-based town center, a public school and other civic facilities.

The proposed Links at Lincoln's 696 apartments and 60,000 square feet of commercial space is catty-corner to the southeast corner of Fallbrook and would sit right at the "front door" of Fallbrook's Highway 34 and N. 1<sup>st</sup> Street entrance.

NEBCO does not oppose the Link's proposed apartments. However, NEBCO does strongly oppose the "commercial" component of The Links at Lincoln. Several factors have led us to this position.

1. The Link's site is not designated commercial in the Comprehensive Plan, but instead is designated "residential".
2. We understand that either the applicant or Planning staff are recommending that the commercial component be designated B-2. The commercial uses allowed under B-2 Zoning include "service stations", "restaurants", "automobile wash facility" and "motels".
3. Signage allowed under B-2 Zoning includes ground signs, wall signs and pole signs up to 25 feet high with an area of 100 square feet.
4. The proposed location of the "commercial" component of the Links at Lincoln will detract from the front door to Fallbrook, and more importantly, will detract from one of the City's most attractive entryway front doors—the I-180/US 34 corridor.
5. Fallbrook faces many additional challenges in developing a higher-end mixed-use community in North Lincoln. We ask you not to add to those challenges. The Link's commercial uses will hurt Fallbrook's efforts to achieve quality neighborhood amenities in North Lincoln that are often built and protected in South Lincoln.

The community has not viewed that corner as appropriate for commercial use as evidenced by the Comprehensive Plan. We don't believe circumstances have changed since the last update in 2002. We have relied heavily on the Comprehensive Plan in formulating our plans for Fallbrook and feel this

designation will negatively detract from our neighborhood image and will be an unfair, and unanticipated, impediment to the success of our Village Center, the centerpiece of the community.

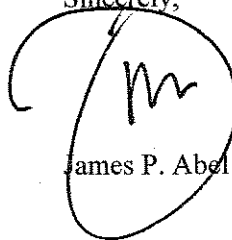
The commercial designation will allow construction of a convenience store and drive-through chain-type restaurant. These buildings are typically the least attractive type of commercial building, with high percentages of pavement, poor building design, little landscape, excessive signage, offensive lighting and are heavy traffic generators. These attributes will not contribute positively to our community.

The Highway 34 corridor into Lincoln is arguably the most attractive and heretofore unspoiled entryway to the City. The position of the designated parcel on top of the hill directly in line with Highway 34 will put the pole signs, metal facades and blaring canopy lights front and center for the City's visitors from the west. In light of current discussions to implement a lodging tax to improve or redevelop Lincoln's entryways, it seems absolutely counterproductive and unnecessary to ruin one. The City has spent much time and resources developing the City's entryway standards. In our opinion, the commercial designation, with minimum building setbacks, will fail to meet the community entryway standards.

Finally, it is apparent that the commercial component is not a keystone of the applicant's development plan. They have built an alternative scenario into their rezoning request, another 84 apartment units for the commercial site. They have thereby stated that the apartment project can still be successful if the commercial designation is not granted.

NEBCO remains steadfastly committed to creating the finest neighborhood in all of Lincoln and one that will serve as strong foundation for northwest Lincoln. We owe Fallbrook's success to the working partnerships we have with the City Council, Mayor's Office, Planning Commission, Planning Department and Public Works and Utilities Department. We welcome new families and development to the northwest Lincoln area and are proponents of responsible and quality growth. In that spirit, and based upon the justifications outlined, we respectfully ask that you deny the commercial designation in The Links of Lincoln rezoning application.

Sincerely,

A handwritten signature in dark ink, appearing to be 'J. P. Abel', is written over a circular stamp. The stamp contains the name 'James P. Abel' in a serif font.

cc: Mayor's Office  
Planning Department  
Public Works and Utilities Department

RECEIVED

MAR 28 2005

CITY COUNCIL  
OFFICE